



# *Legal Problem Of Neutrality Of State Civil Apparatus In Elections*

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**Abstract-** Every State Civil Apparatus (SCA) is legally required to maintain a neutral and independent attitude toward political intervention. Many positive laws in Indonesia have regulated the SCA's obligation to be neutral. However, in fact, cases of violations of SCA neutrality in elections from year to year continue to increase sharply. This paper uses normative juridical (doctrinal) methods with a statutory and conceptual approach to examine what legal problems currently exist that cause cases of violations of SCA neutrality to still be very high in every election held. There are still gaps in regulating SCA neutrality. The Civil Service Development Officer (SCDO), as mandated by Law No. 20 of 2023 concerning SCA, is responsible for imposing sanctions on both civil servants and government employees with work agreements who violate SCA. On the other hand, regional heads, who are actually members of political parties or affiliated with them, hold positions at SCDO. This poses a threat to SCA's position, particularly in Law No. 20 of 2023 concerning SCA, which states that the SCDO has the authority to determine the appointment, transfer, and dismissal of SCA employees and develop SCA management in government agencies in accordance with statutory regulations. With the SCDO's large authority, SCAs are vulnerable to politicization.

Keywords: Legal problems, neutrality, state civil servants, elections

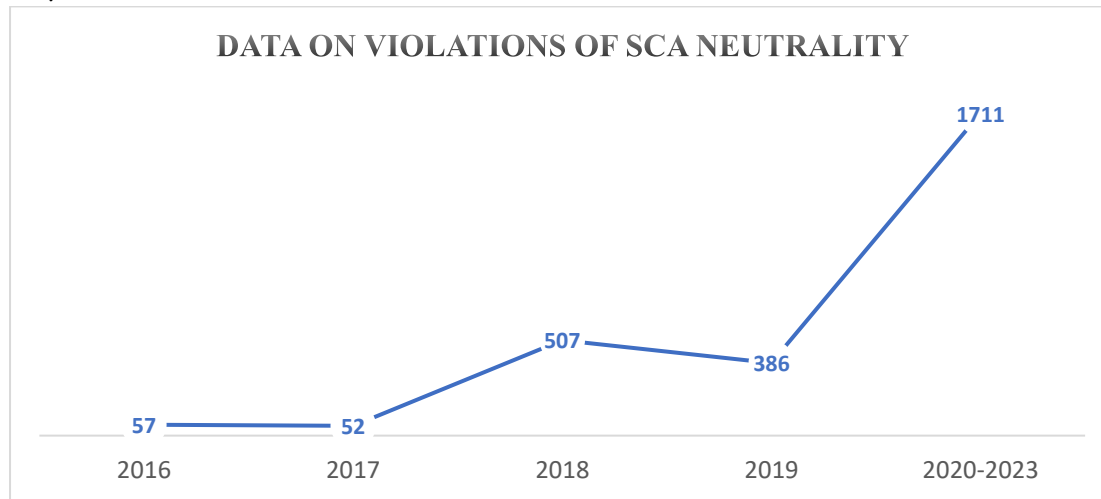
## I. INTRODUCTION

Indonesia follows a democratic system as a country. Democracy is defined as a government where sovereignty is in the hands of the people, as stated in the 1945 Constitution, Article 1, paragraph (2). The general election is an instrument of popular sovereignty. We must hold elections honestly and fairly as an instrument of popular sovereignty. Fairness here means that in competing, all candidates get the same opportunity to win over the hearts of the people as voters. Therefore, during election implementation, one candidate cannot use state facilities. Typically, the incumbent candidate takes advantage of his position by mobilizing the State Civil Apparatus (SCA) to help him win in the election competition. The challenge of achieving popular sovereignty in governance and the economy arises from the government's tendency to engage in collusion with financial interests [1].

The problem of breaching the neutrality of the State Civil Apparatus (SCA) is a longstanding concern in Indonesia. In their book *Democracy for Sale: General Elections, Clientalism, and the State in Indonesia*, Aspinall and Berenschot (2019) also discuss the existence of clientelism within the Civil Servant (CS) bureaucracy since the New Order era, as evidenced by the officials' mobilization of voting support for the ruling regime [2].

Ironically, this practice continued until the reform era. Political life in Indonesia appears to entrench patronage. It is not surprising that Aspinall and Berenschot (2019) call patronage democracy a democracy in which politicians use patronage or a form of material exchange with clients to get votes in elections a form of democracy that is taking place in Indonesia today. This democratic practice of patronage can also influence SCA's neutrality in Indonesia.

The State Civil Apparatus Commission (SCAC) has observed a consistent rise in the data about violations of SCA neutrality throughout the years.



Source: KSCA annual report 2023 (<https://ppid.kSCA.go.id/report-tahunan-kSCA/>)

**Fig. 1.** Data on SCA Neutrality Violations 2016-2023

Law No. 20 of 2023 concerning SCA regulates SCA's obligation to be neutral in practical politics, but in reality, these legal obligations have not prevented practices that violate SCA neutrality. There are other regulations that also regulate SCA neutrality, namely Government Regulation No. 94 concerning Civil Servant Discipline and Regulation No. 6 of 2018 of the election supervisory body pertains to the neutrality oversight of Indonesian Police Members, SCA Employees, and TNI Members. Threats of sanctions in the form of dismissal have apparently not been able to have a deterrent effect. Reflecting on these problems, it is important to know the factors behind the continued politicization of the bureaucracy, causing SCAs to not be neutral in organizing elections.

The fact that there are many violations of SCA neutrality in elections shows that there is a disparity between theory, regulation, and practice in the field. The hoped-for reality of honest and fair elections failed to materialize, leading to challenges in Indonesia's democratic practice. This condition also has an impact on the effectiveness and accountability of government performance when SCA no longer works neutrally and only obeys the leadership rather than the rules.

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There are several previous studies which also examine the issue of SCA neutrality in elections, namely the first, research entitled "Neutrality of Civil Servants in Political Activities" by Agnes Febyrian Indah Gayatri and I Ketut Sudiarta which focuses on regulations related to the neutrality of civil servants in Indonesia. and legal execution related to limited political rights for civil servants [3], secondly, research entitled "The Principle of Neutrality in the Implementation of the 2024 General Election for State Civil Apparatus" by Abdhy Walid Siagian, Fadhillah Arinny, Mareta Puri Nur Ayu Ningsih and Trisna Septyan Putri which focuses on researching SCA neutrality regulations adapted from statutory regulations and the application of the principle of SCA neutrality in holding the 2024 elections [4]. And the third is research conducted by Gema Perdana with the title "Maintaining SCA Neutrality from Bureaucratic Politicization." Rule of Law" which focuses on efforts to prevent violations of SCA neutrality [5]. What is different about this research is the focus of the research, namely on juridical studies related to the authority to impose sanctions for violations of SCA neutrality which rests with the SCDO, who in fact is a politician. This research is important to carry out because it aims to find out what is actually the main problem that there are still many violations of SCA neutrality in terms of the regulations that are currently in force.

## II. LITERATURE REVIEW

### A. SCA Political Rights in Elections.

According to Law Number 7 of 2017, general elections, also known as elections, are a means through which the populace can exercise sovereignty based on the principles of direct, general, free, secret, honest, and fair elections. By Rahmat Hollyson Elections are defined as an arena for selecting potential leaders, be they state leaders (the president and vice president) or regional heads (up to village heads) [6]. Citizens can use elections as a platform to express their political opinions, promote human rights, and reaffirm their sovereignty in a democratic system [7]. In this way, the existence of elections must truly provide freedom to every citizen to choose a leader according to their choice through a clean election process without fraud and other disgraceful behavior that could tarnish the democratic party.

Citizens' votes to elect candidates in elections are part of their political rights. The term "political rights" refers to an identical right inherent in every person who lives in a democracy. Theoretically, political rights refer to the inherent rights of every individual to pursue and acquire power, position, and wealth for their own benefit [7]. Each person is granted political rights by the 1945 Constitution, which explicitly governs these rights and allows every citizen to freely express their thoughts through both spoken and written means. This right serves as a means for individuals to express their thoughts and ambitions, while simultaneously acting as a mechanism to restrain government authority from infringing upon people's rights. Additionally, it offers avenues for citizens to engage in governmental processes. Indonesian people possess a diverse range of political rights, such as the freedom to vote, engage in government affairs, form associations, assemble, and freely express opinions. They also have the ability to appoint themselves as government officials, organize political parties, and voice their political views and beliefs. The political rights of people are an essential entitlement that must be universally present in every individual. The constitutional affirmation addressing the political entitlements of individuals is encompassed under the Law on Human Rights, namely in Article 43, paragraph 1, which states:

"Every citizen has the right to be elected and vote in elections based on equal rights through direct, general, free, secret, honest, and fair voting in accordance with the provisions of the Legislative Regulations."

This verse says that every resident of Indonesia has the human right to vote and be elected in general elections. This means that the government has to protect that right. Breaking the rules about political rights can be seen as a way to fight against the law. However, it's important to remember that the laws and rules that are already in place in Indonesia must also be the basis for exercising the right to vote and run for office. Indonesia's new laws reflect the values of a democracy by setting up the ways that people can exercise their political rights to vote and run for office.

If viewed from a human rights perspective, the human rights of citizens can be divided into two forms, namely the rights of citizens who cannot be limited and the rights of citizens who can be limited. This division of rights is the authority that the state has to limit citizens so that they do not exercise their freedom arbitrarily, especially in terms of its implementation. Rights that cannot be limited are rights that are absolutely owned by a person, so their implementation cannot be limited by the state under any circumstances.

Statutory regulations can limit rights, subjecting the exercise of these rights to restrictions when considering certain matters. The 1945 Constitution, Article 28I Paragraph 1, contains this limited right, requiring you to comply with state-imposed restrictions in order to implement these freedoms (Article 28J Paragraph 2). This stems from the understanding that citizens' freedoms do not infringe upon the human rights of others, or alternatively, the imposed restrictions aim to ensure the recognition and respect of others' rights and freedoms [8].

In this way, everyone still has the right to run for office in SCA elections, but that right is limited by conditions that must be met. This is because, according to the 1945 Constitution, the right to be elected is not an unrestricted right, but one that is subject to conditions that make sure other people's rights are not violated. In addition, there are limits on who can run for SCA elections and how candidates can be nominated. These limits are in place to make sure that Indonesia's general elections are run smoothly and in line with election rules so that state leaders, regional heads, and people's representatives can be chosen. qualified, skilled, honest, trustworthy, and expert.

Restrictions on the right to be elected in elections for SCA can be seen in several laws and regulations, namely in Law Number 7 of 2017 Article 182 concerning General Elections, where to nominate as a member of the DPD, someone must resign from the positions they hold, including resigning as SCA. In Law Number 12 of 2008, Article 59 Paragraph 5a states that individual candidates who wish to register to become regional heads must show a letter stating that they have resigned from public office for candidates who are civil servants, members of the TNI, and Polri. Likewise, in Law Number 20 of 2023 concerning State Civil Apparatus in Article 56, it is stated that high-ranking and middle-ranking officials who will nominate themselves as regional heads are obliged to declare their resignation as civil servants in writing starting from registering as candidates, whereas in Article 123 Paragraph 3 states that SCA employees, in this case civil servants, are the ones who nominate or are nominated to be President or Vice President; chairman, deputy and members of the DPR/DPD; governor and

deputy; or regents/mayors and deputy are required to declare their resignation as civil servants in writing starting from registering themselves as candidates.

The International Covenant on Civil and Political Rights (ICCPR), which was ratified in Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights, says that the right to vote is not one of the basic rights that cannot be limited or is not an absolute right. It says that the right to vote in elections is a manifestation of fulfilling human rights, but this right is not an underrogable right. This means that no one can take away someone else's right to vote. - Each individual does not have legal consequences; it's just that politically and sociologically, they have lost their contribution and intervention in determining the direction of policy and important decisions to achieve the goals of the state [9]. Despite the freedom to vote, SCA must maintain its impartial stance in elections, as their primary responsibility is to serve the community. Therefore, it is crucial to reduce factors that could lead to divisions, rifts, and internal conflicts within SCA. Partisanship and attachment to certain things, people, or groups have the potential to disrupt performance, professionalism, and service quality, as well as tarnish democracy's sustainability.

For this reason, every person has always had the intrinsic right to vote and to be elected in elections.. The SCA can still use their voting rights to elect leaders, regional heads, and people's representatives according to their choice and conscience [10]. SCAs also have the option not to vote for candidates if they feel the candidate does not suit their wishes. They simply cannot exhibit partiality or differentiate their treatment of society based solely on differences in political choices. SCA are still eligible to nominate themselves or be nominated for leadership, regional heads, and people's representatives, but they must adhere to any applicable restrictions by meeting certain requirements; these restrictions are meant to guarantee that elections are conducted honestly and fairly in order to select the most qualified candidates for leadership, regional heads, and people's representatives, not to limit or eliminate their political rights.

#### *B. The Meaning of SCA Neutrality in Elections*

The State Civil Apparatus (SCA), which implements general government and development tasks, has an obligation to act neutrMifthah Thoha defines SCA neutrality as the ability of civil servants (CS) to remain unaffected by political party intervention, allowing them to concentrate all their attention, thoughts, and energy on their assigned tasks. asks. The prohibition of civil servants from becoming members and/or administrators of political parties achieves this [11].

SCA neutrality as the government bureaucracy's impartial or uninvolved behavior during the regional head candidates' campaign period, both secretly and openly [12]. The indications utilized to assess neutrality are based on the absence of involvement, meaning that the individuals in question are neither part of the candidate's campaign staff nor participants in the campaign using party or civil servant traits. (b) Remaining impartial by refraining from participating in decision-making or actions that favor any of the candidate pairs. This includes avoiding activities such as organizing meetings, extending invitations, making appeals, or providing gifts to civil servants, their family members, or the community that may show bias towards a specific Regional Head/Deputy Regional Head candidate pair. Additionally, abstaining from utilizing state resources associated with the position to support the campaign of any regional head/deputy regional head candidates during the campaign period.

According to Law Number 20 of 2023 concerning State Civil Apparatus, neutrality is defined as the state of being unaffected and uninvolved by any external influences or interventions from various organizations and political parties. To preserve the impartiality of the SCA and uphold the integrity, coherence, and unity of the SCA, as well as to enable undivided attention, concentration, and effort towards assigned tasks, it is forbidden for SCA members and/or administrators to join or hold positions in political parties.[13].

Neutrality, in this context, means that civil servants must avoid being influenced by the interests of any particular political party. They should not associate themselves with any political party or engage in political activities, as there is a concern that they may misuse state resources to favor certain parties. The SCA maintains neutrality in this article about the conduct of general elections, encompassing three aspects: 1) being fair in organizing presidential elections, 2) choosing legislative members fairly, and 3) being neutral in the election process for regional leaders.

#### *1) Law Concerning State Civil Servants*

SCA is governed by Legislation No. 20 of 2023. SCA are defined expressly by the law as government employees with work agreements (GEWA) and civil servants (CS) who are employed by government agencies. This provision implies that the objectives of SCA, particularly CS and GEWA, are exclusively regulated by the law.

The neutrality of SCA is outlined in the provisions of Article 2 letter f, which essentially establishes "neutrality" as a foundational principle governing the execution of SCA policy and administration. In accordance with this principle of neutrality, each SCA employee abstains from all forms of influence and allegiances to the interests of others. Examining the organization of the law's standards, this article is the foundation upon which the articles regulating SCA neutrality in the SCA Law are built. As such, it is the principal provision.

### 2) *Law Concerning General Elections*

The law that regulates general elections is Law Number 7 of 2017 concerning general elections. The Election Law is one of the laws that restricts SCA from acting or showing partiality towards one of the candidate pairs or one of the legislative candidates.

Article 282 and Article 283 of the Election Law regulate provisions that forbid SCA from participating in politics during the election period. These provisions prohibit SCA from making decisions, taking actions that benefit or harm one of the election participants, and from engaging in activities that show partiality towards election participants before, during, and after the campaign period. Prohibited activities include meetings, invitations, appeals, or giving goods to SCA within their work unit, their family members, and the community.

Article 280, paragraph (2), letter f of the Election Law prohibits not only SCA's affiliation with politics, but also their involvement in campaign activities. The purpose of this prohibition is to safeguard public servants from disrupting the democratic process, as it does not equally apply to all candidates and legislative candidates.

### 3) *Law Concerning Election of Regional Head*

In accordance with letter t of paragraph 2 of Article 7 of the Regional Election Law, in order to be considered for the position of regional head, candidates must formally submit a written resignation letter from their respective positions as village leaders, civil servants, or holders of other designations. As per the article, the author may infer that this stipulation emerged due to apprehensions regarding misuse of authority during the SCA's tenure; subsequently, he contested the Regional Head Election.

Moreover, SCA participation is restricted under this legislation throughout the campaign period. Neutrality is maintained by the SCA during regional elections. In essence, candidate pairs are forbidden by Article 70, paragraph (1), letters b and c, from engaging in campaign activities that involve the participation of State Civil Apparatus, village leaders, other names or subdistrict heads, or village officials. Behaviors that have the potential to benefit or damage one of the candidate pairs are explicitly regulated by the law. The preservation of neutrality through regulation is essential for fostering equity in the implementation of electoral processes. In essence, State Civil Apparatus Officials, Village Heads, and any other names or laurahs are prohibited by Article 71, paragraph (1) of the Regional Election Law from making decisions and/or taking actions that benefit or detriment one of the candidate pairings.

## III. METHOD

In this study, the author employs a normative juridical research methodology, which views law as either the textual content of statutory laws or as rules and norms that serve as standards for socially acceptable human conduct. This normative legal study relies on primary and secondary legal sources, namely research that pertains to the standards outlined in statutory rules. By employing two research methodologies, specifically the statutory approach and the conceptual approach. The primary legal sources in this research are regulations that are relevant to regulating SCA neutrality, namely Law no. 20 of 2023 concerning SCA, Law Number 7 of 2017, Law Number 6 of 2020, Law Number 2 of 2020 concerning the Third Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents and Mayors.

## IV. RESULTS AND DISCUSSION

### A. *Implementation of the SCA Neutrality Concept in Elections*

Maximilian Weber was a German thinker in politics and society who was born in 1864 and died in 1920. He is recognized as one of the people who started the study of sociology and modern state management. According to Weber's well-known book "Politics as a Vocation," the state is an institution with the exclusive authority to use physical strength. This definition is now seen as important in the study of modern western political science. According to him, the bureaucracy was either made without any political influence or was set up to be a neutral force. Putting the needs of the people and the state ahead of other needs is what bureaucratic neutrality means. Woodrow Wilson agreed with this point of view. He said that since the job of government bureaucracy is to carry out political programs, it must be separate from politics.

CSA's legal relationship with the state or government is characterized by the existence of public service relations [14]. When an individual undertakes a commitment to the government for a certain duty or role, they are remunerated with a wage and provided with other perks. Public service relations refers to the responsibility of an official to accept appointments from the government for various positions. After the establishment of public service relations, the CSA takes on the responsibility of planning, executing, and supervising various government tasks and national development. This is achieved by implementing professional public policies and services, which are free from political interference and practices such as corruption, collusion, and nepotism. Article 9

paragraph (2) of the CSA Act stipulates the principle of neutrality, which mandates CSA officials to remain impartial and independent from political interference in order to prevent any adverse consequences.

However, Article 21 of the Law on the Ratification of the Covenant on Civil and Political Rights grants the CSA the right to vote and participate in elections. It is crucial to comprehend that the exercise of the right to vote and run for office in elections must also adhere to the provisions of the current legislation. Article 283(1) of the Election Act confirms the scope of the right to vote, prohibiting CSA from endorsing any candidate by joining or managing a political party, and from participating in any campaign activities during general elections, whether in secret or publicly [15]. Then, in connection with the right to be elected, CSA is not permitted to proceed with the election contestation if it has not resigned from its office in writing as stipulated in Article 240 (1) letter k of the Election Act. Act No. 10 Year 2016 Article 71 paragraph (1) clarifies the continued existence of the right to vote for a CSA in Pilkada, ensuring its implementation aligns with the existing provisions and mechanisms. We do this to ensure the enforcement of the neutrality principles of a CSA, promoting a fair and clean general election.

According to Law No. 20 of 2023 concerning SCA, the "principle of neutrality" prohibits any SCA employee from taking any form of influence or aligning themselves with anyone's interests. Non-involvement and impartiality serve as indicators to gauge neutrality [16]. Non-involvement implies that civil servants are excluded from the candidate's campaign success team, specifically in terms of utilizing party traits and adopting characteristics of civil servant uniforms. Not taking sides means refraining from aiding candidates in decision making or participating in actions that may result in support for a specific candidate in the election.

There are a number of challenges faced in implementing SCA neutrality. The existence of symbolic violence, namely the legitimization of power and the requirement for civil servants to obey regulations with threats to their positions, forces state servants to submit to the ruling elite [17]. The lack of supervision on social media during elections, such as the 2020 pandemic election, also hinders the implementation of civil servant neutrality. Consequently, several bureaucratic elements continue to regularly violate SCA neutrality.

There are several factors that cause widespread SCA violations in elections, including the power relations between superiors and subordinates. Subordinates face risks if they defy their superiors' political will. Subordinates interpret following their superiors' wishes as loyalty. There is a strong drive to gain recognition from superiors for achieving personal goals such as promotions.

Instances of bureaucratic politicization encompass the improper utilization of state resources to favor specific political campaigns during elections, the mobilization of public servants' votes in elections or regional elections, and the granting of rewards in exchange for employment. [18]. These three components exert a significant influence on the political process of candidates in elections or regional elections, particularly those who are incumbents. Utilizing state facilities for campaigns can reduce the political costs of candidates participating in elections. Aside from that, it is also easy to mobilize SCA votes for incumbent candidates who are quite promising to be given a position. And what is equally important is the practice of compensating for positions, namely by introducing new political actors into the bureaucracy so that they can intervene in policy. In this case, office politics within the internal bureaucracy are unavoidable and can threaten the principles of professionalism and neutrality within the bureaucracy.

We can view factors influencing SCA neutrality from two perspectives: the external perspective of the incumbent regional head and the internal perspective of the SCA. According to the incumbent regional head, there are three factors that make SCA non-neutral [19]. First, the large political costs of participating in direct regional elections are not commensurate with the salaries they earn as regional heads, so they use the Regional Budget and SCA for their candidacy in regional elections. Second, SCA has a network down to the village level, which is required by regional heads. Third, incumbents have affiliations with local gangsters to pressure the SCA into voting for them. Meanwhile, from the SCA perspective, there are three factors that influence their neutrality in the regional elections. The first factor is the patron-client culture that exists within the internal bureaucracy. Second, the political implementation of SCA neutrality regulations is not yet optimal. Third, SCA is lured by the incumbent's sweet promises if he gives his vote support. These two perspectives demonstrate that both election candidates and SCA are motivated by their own interests and the influence of the political system, which in turn affects their professionalism.

Each staff member in a bureaucratic organization is considered competent, follows a career path with a remuneration system based on work standards and levels (continuity), and adheres to a merit or professionalism system [20]. This clearly contradicts the reality of bureaucratic practices in countries with a low democracy index, such as Indonesia. The Economist Intelligence Unit (EIU) ranked Indonesia 52nd in the world with a score of 6.71 in the 2021 World Democracy Index report, categorizing it as a flawed democracy.

The study emphasizes that countries with flawed democratic systems encounter difficulties in maintaining freedom of the press, fostering a culture of intolerance towards criticism, promoting low levels of public political engagement, and achieving only mediocre governmental effectiveness. This is in spite of having democratic electoral processes and civil liberties. Optimal. The underperformance of the government is in accordance with the lackluster application of the merit system within the Indonesian bureaucracy. At present, there is a conflict between the principle of neutrality and the principle of professionalism, particularly in relation to the merit system,

within the operations of the bureaucracy in Indonesia. This shows that putting these two ideas into practice is hard, both in terms of the rules and the way they are carried out. The existence of an exchange of benefits between bureaucrats and election-participating candidates confirms that Indonesia is not a Weberian form of professional bureaucracy; in fact, it tends to be Marxian, where bureaucracy is part of political dynamics and an arena for power struggles [21].

### *B. Gap in SCA Neutrality Law*

Regulating SCA neutrality still has some unfilled spaces. Government employees with work agreements and civil servants who violate SCA are subject to sanctions at the hands of the Civil Service Development Officer (SCDO), as required by Law No. 20 of 2023 regarding SCA. Conversely, positions at SCDO are occupied by regional leaders who are affiliated with or actively participate in political parties. SCA has the authority to determine the appointment, transfer, and dismissal of SCA employees, as well as to develop SCA management in government agencies in accordance with statutory regulations. This poses a threat to SCA's position, specifically in Law No. 20 of 2023 concerning SCA. SCAs are susceptible to politicization thanks to the SCDO's considerable power. [16].

There is ambiguity in the regulations governing SCA neutrality. Law No. 20 of 2023 concerning SCA Article 2 Letter F states that SCA management is based on the principle of neutrality, meaning that it does not take sides with anyone's interests, according to Law No. However, in Law No. 20 of 2023 concerning SCA Article 1 Number 2, SCA has the right to vote. On the other hand, in determining political choices, there will, of course, be a preference for supporting a candidate [22].

The Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform, 22 July 2015, Number: B/2355/M.PANRB/07/2015 is not clear about the neutrality of SCA and the rule that government assets cannot be used in simultaneous regional head elections. This regulation contains provisions that are subject to multiple interpretations, as it prohibits any SCA from providing support to candidates through involvement in campaign activities. He interprets this to suggest that SCAs can participate in the campaign, provided they refrain from offering support, and instead attend to learn about the candidate's vision and mission. According to this idea, the principle of SCA neutrality only prevents them from being involved in campaigns or mobilizing support. Even though there are regulatory gaps, historically there have been efforts to strengthen policies to maintain SCA neutrality. From time to time, the principle of SCA neutrality in Indonesia has shifted [16]. The 1959 Presidential Circular No. 2 and Presidential Regulation No. 2. Throughout the New Order period, SCA was prohibited from affiliating with or becoming members of the party by Government Regulation No. 6 of 1970. In actuality, SCA became a voting machine for the governing regime due to the fact that Soeharto's authoritarian regime purchased the government bureaucracy. SCA members were prohibited not only from joining political organizations but also from participating in legislative and executive elections during the Reformation period, which witnessed the implementation of new regulations. Implementation practices persist in contravening SCA neutrality, notwithstanding the regulation of formal legal norms.

Personal relationship factors increasingly encourage SCA non-neutrality [23]. These personal relationships have an impact on SCA professionalism. This is because the practice of assigning positions that are not based on competency has implications for a work climate that is biased and unprofessional. This vulnerability to bureaucratic politicization is common in post-authoritarian countries. Even in the United States, which is a mature democracy, there were attempts to politicize civil servants towards the end of President Donald Trump's term of office. Two weeks before the vote, Trump signed an executive order threatening to return the United States to a "spoils" system, where the president would fire most federal government employees for not being loyal to him. This demonstrates the vulnerability of the SCA position, emphasizing the need to safeguard their careers against political threats from the ruling regime.

The widespread practice of violating SCA's neutrality has given rise to debate, and even recommendations have emerged to remove SCA's political rights, although this still requires in-depth legal study regarding the elimination of SCA's political rights.

## V. CONCLUSION

There are several factors that cause widespread SCA violations in elections, including the power relations between superiors and subordinates. Subordinates face risks if they defy their superiors' political will. Subordinates interpret following their superiors' wishes as loyalty. There is a strong drive to gain recognition from superiors for achieving personal goals such as promotions. Forms of bureaucratic politicization include misuse of state facilities for the benefit of individual political processes for elections, mobilization of the votes of civil servants in elections or regional elections, and compensation for positions. These three factors, particularly for incumbent candidates, can have a significant impact on the political process of candidates running in local or national elections. There is ambiguity in the regulations governing SCA neutrality. Law no. 20 of 2023 concerning

SCA Article 2 letter f states that SCA management is based on the principle of neutrality, meaning that it does not take sides with anyone's interests. However, in Law no. 20 of 2023 concerning SCA Article 1 number 2, it is stated that SCA has the right to vote. On the other hand, in determining political choices, there will, of course, be a preference for support for a candidate. The mechanism for handling violations of SCA neutrality is that after the SCA commission decides, the executor is the civil service development official (CSDO), who in the context of regional government is the regional head. This is paradoxical because the CSDO is a member of a political party or affiliated with a political party.

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