



## NEUTRALITY OF ASN IN THE ELECTION OF LEGISLATIVE MEMBERS MINAHASA REGENCY DPRD IN 2024

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### Abstract

This research uses descriptive qualitative methods. This research aims to describe, analyze and interpret the duties of the State Civil Apparatus (ASN) in carrying out government policies in accordance with Law number 5 of 2014 concerning ASN, and to describe, analyze and interpret the form of ASN neutrality in general elections. Data analysis was carried out through observation, interviews and documentation techniques. The results of this research show that there are still ASNs in Minahasa Regency who are involved in campaign activities and provide support to one of the legislative member candidates for the Minahasa Regency DPRD, then participate or contribute in distributing money to the community in the form of bribes to elect that candidate. So whoever receives the money must support and vote for the legislative candidate pair. However, apart from that, it turns out that ASN do not yet know, understand and understand what their duties are and the basis for the rules used regarding their duties. Due to ignorance of their duties and applicable regulations, most ASNs are directly involved in election activities and show partiality in politics, without realizing that this has violated the principle of neutrality as State Civil Apparatus.

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## INTRODUCTION

Before the reform period, democracy was a dream in the life of the Indonesian nation and state. Where during the New Order era (President Soeharto's reign from 1965-1998) was a time where undemocraticism occurred, namely under centralized and shackled power (authoritarian leaders). We want the freedom to be able to express our aspirations, including criticizing the existing government and wanting to experience the results of development fairly. We also want a government that is formed as a result of the people's own choices.

Now we live in an era of democracy. This is the result of the struggle of a society that is fed up with an authoritarian government. Etymologically, democracy comes from the Greek demos, meaning people, and kratos, meaning power. So from the origin of the word it can be interpreted that democracy is the people ruling. Where in every government decision making, the people are the holders of full power. Including citizen participation that needs to be involved in determining public leaders. A political system is democratic to the extent that its most powerful collective decision makers are elected through periodic elections, in which almost all adults have the right to vote (Sinaga, 2013).

After reform, increasing community participation in national and state life can be implemented with a system mechanism that increasingly embodies the principles of openness and equality for every citizen. One form of this is the implementation of elections for people's representatives and government officials, namely general elections for legislative members and direct presidential elections, as well as general elections for regional heads.

Agenda for holding general elections Candidates for legislative members have been carried out in each region, which is a form and mechanism of democracy in the regions. Apart from that, the election of legislative candidates is also a means of demonstrating sovereignty and confirming that voters are the people of the region. With the hope that through the direct general election of candidates for legislative members, it can become a means of channeling the aspirations of the community and then become the authority of members of the Regional





People's Representative Council (DPRD), namely forming regional regulations together with the Governor/Regent/Mayor, discussing and approving draft regulations. regions regarding the regional revenue and expenditure budget proposed by the regent, and carry out supervision over the implementation of regional regulations and the APBD. Therefore, it is hoped that the elected council members will be able to understand and realize the needs of the community.

In 2024, February 14th to be precise Elections for legislative members and elections for the President and Vice President will be held simultaneously in Indonesia. In carrying out the election of legislative members, community participation is also needed to make this activity a success and participate in the voting process. Apart from that, the role of the bureaucracy, in this case the State Civil Apparatus (ASN), is very necessary in preparation for elections until the process of selecting legislative members takes place. The role in question is bureaucracy, in this case ASN, can help and provide outreach to the community in the surrounding environment regarding the election process and the importance of the election so that it can reduce the number of white groups, which is when a participant in the voting process does not vote or does not choose one. Even prospective leaders can cause a low level of trust and credibility in the future elected candidates and can influence the state civil service to be neutral in selecting legislative candidates. In Law number 5 of 2015 concerning State Civil Apparatus article 7, what is meant by Civil Servants are State Civil Apparatus Employees who are appointed as permanent employees by the Civil Service Supervisory Officer and have a national employee identification number.(PNR Indonesia, 2014).

Then in law number 5 of 2014 concerning State Civil Apparatus in article 2 letter F which is one of the principles for implementing ASN policy and management is the principle of neutrality. In the large Indonesian dictionary, what is meant by Neutrality is the state and attitude of not taking sides. Apart from that, in the MenPAN-RB circular number B/2355/M.PANRB/07/2015 concerning the neutrality of ASN and the prohibition on the use of government assets in general selection, it is explained that ASN are prohibited from making decisions and/or actions that benefit or harm one of the candidate pairs. during the campaign period, and/or holding activities that lead to bias towards candidate pairs participating in the general election, from the beginning to the end of the campaign period(Circular Letter from Minister of Administrative and Bureaucratic Reform on ASN Neutrality & Prohibition of Use of Government Assets in Simultaneous Regional Elections, 2015). This prohibition includes meetings, invitations, appeals, appeals, or giving of goods within the work unit, family members and the community. So, based on these rules and understandings, it can be said that civil servants may not be involved in activities that benefit one of the legislative candidates running for office.

In Law number 5 of 2014 concerning State Civil Apparatus article 10 letters a, b, and c which are the functions of State Civil Apparatus employees including Civil Servants, namely implementing public policies, public servants, and as glue and unifier of the nation. Then in the 12th article it is stated that State Civil Apparatus employees play the role of planners, implementers and supervisors of the implementation of general government tasks and national development through the implementation of professional policies and public services free from political intervention, and free from practices of corruption, collusion and nepotism.(PR Indonesia, 2014).

Based on what is stated in the regulations above, ASN should be neutral in general elections because the role and function of ASN, in this case Civil Servants, is not to intervene in politics or interfere in politics. But carrying out the duties, functions and roles as stated in Constitution. Because in PP number 53 of 2010 concerning Civil Servant Discipline article 3 paragraph 4, one of the obligations of civil servants is to obey all statutory regulations. Correspondingly(PP 55 of 2010 concerning Civil Servant Discipline, 2010), According to



Rashid in (Setiyono, 2012), to carry out its functions, the bureaucracy, in this case ASN, has three main tasks, namely; 1) providing routine public services to the community, 2) empowering the community to achieve progress in a better life, 3) carrying out development in the community.

Apart from the obligations above, one of the things that is prohibited for ASN is in relation to the general distinction is that in government regulation number 53 of 2010 concerning civil servant discipline, article 4 paragraph 14, it is stated that civil servants are prohibited from providing support by providing a letter of support accompanied by a photocopy of the Population Identification Card or Certificate of Resident Identification in accordance with statutory regulations. The neutrality of ASN, in this case Civil Servants, is really needed in the process of implementing general elections. Because ASN as citizens who have higher education are certainly able to become mediators in society, so they can reduce the occurrence of vertical conflicts in society.

However, the reality emerged in the implementation of the general election Candidates for legislative members of the Minahasa DPRD still encounter discrepancies or violations. This is because the State Civil Apparatus (ASN) in Minahasa Regency does not know what the main duties of ASN itself are, as well as external factors that influence ASN to be non-neutral, namely political pressure. There are deviations that are contrary to the provisions of the law. The results of this research found that currently there are former regional heads who are running to become legislative members at the Regency/City and Provincial levels.

Then there are children of officials who nominate themselves to become legislative candidates at the district/city, provincial and even central levels. This nomination certainly influenced the State Civil Apparatus (ASN) in Minahasa Regency to participate as supporters and even become campaign teams, so that most ASN were involved in politics by violating the established principle of neutrality. Then it was discovered that there were ASNs who did not understand their duties and functions according to Law number 5 of 2014 concerning ASNs and the basic rules used. The ASN's involvement in political activities, namely taking sides with candidate pairs, is also considered by the ASN to be very profitable. It appears that the rules that apply to ASN have been violated. From the research results, it was found that there were many violations committed by ASN, in this case civil servants, in the form of: 1) There are still many ASN/PNS who provide support to one of the legislative member candidates accompanied by a photocopy of their identity card, 2) The participation of ASN/PNS in campaign activities is wrong. one legislative candidate. 3) Participation in a team meeting of one of the prospective legislative members. 4) The participation of ASN/PNS in distributing money to the public before and during the general election of candidates for legislative members (PNR Indonesia, 2014).

From the descriptions above, based on existing regulations, it can be said that the duties and roles of the State Civil Apparatus are not easy. Carrying out the main duties, functions and responsibilities as an ASN or Civil Servant is not only based on what the leader wants. But on reality, to carry out their duties as implementers of public policy, public servants, and as glue and uniters of the nation, related to the implementation of general elections, a bureaucracy is needed that is capable or has high professionalism and integrity to carry out each task in accordance with existing policies. Based on the problems identified above, the researcher specifically focused on the issue of ASN neutrality in carrying out their duties in the general election of legislative candidates.

## RESEARCH METHODS

The method used in this research is a qualitative descriptive method (Sugiyono, 2019) with the aim of explaining and describing the problem to be researched (Mantiri et al.,



2023) (Mantiri et al., 2024) and researchers establish close emotional relationships and closeness with all stakeholders encountered during the research so they can receive positive responses and obtain deeper and more accurate information (Siwij et al., 2024). Through interviews conducted by gaining strong familiarity by continuing to follow what Benny and Hughes said to appreciate the value of interviews as a data collection tool, researchers establish close emotional relationships and familiarity with all stakeholders encountered during the research, can receive positive responses and obtain useful information. deeper and more accurate (Polii, 2023). This approach can also reveal real events but is expected to reveal hidden values (Charles Tangau, 2014) by using indicators, namely:

1. The duties of the State Civil Apparatus are in carrying out government policies in accordance with law number 5 of 2014 concerning ASN
2. Form of ASN neutrality in General Elections.

## RESEARCH RESULT

Human resources of the apparatus are the main key to the success of public organizations. As an important role in the management of government institutions that relies on public services, public service apparatus resources are expected to be the main "goal" in administering the State. It cannot be denied that the success of bureaucratic reform is determined by the role and quality of the human resources within it. Apparatus resources are the main key in developing bureaucratic organizations. Public service officials have multiple functions and roles in their responsibilities and duties and functions. One of them is as a state servant who must obey and submit to statutory legal provisions, and as a servant of the community to provide maximum and fair services. As explained in the results of this research, the focus is on the neutrality of ASN in the implementation of the 2024 General Election for legislative members is examined through 2 indicators, namely: 1) ASN's duties in implementing government policies in accordance with Law number 5 of 2014 concerning ASN, 2). Form of ASN Neutrality in General Elections for legislative members. Based on the research findings, it can be explained as follows:

### **1. ASN's duties are in implementing government policies in accordance with Law number 5 of 2014 concerning ASN**

The neutrality of the State Civil Apparatus in carrying out their duties in general elections for legislative members has not been carried out based on statutory regulations. In carrying out their duties as State Civil Apparatus they have not carried them out correctly, this can be seen from the State Civil Apparatus' ignorance of what their duties are and what legal basis they use. Based on the research results, the results obtained are explained as follows:

Based on Law number 5 of 2014 concerning the State Civil Apparatus, it is a policy product produced by the government. Where those who will implement the policy themselves are the State Civil Apparatus, in this case Civil Servants (PNS) and Government Employees with Work Agreements (PPPK). Implementing policies that are carried out well will certainly have a big impact not only on the State Civil Service itself but also on society, in which there is a policy regarding the general election of state civil servants to be neutral in politics, this policy is stated in the Law. which includes a policy based on the principle of neutrality so that each ASN employee does not take sides from any form of influence and does not side with anyone's interests. According to (Mokhsen, 2018) ASN neutrality is defined as meaning free from intervention, free from interests, free from influence, objective and impartial. Basically, ASN's neutrality is only used to carry out its duties and functions in carrying out development, governance and services to the community without participation in practical political activities.



Then, in the general election of legislative members, the State Civil Apparatus has not been neutral. In reality, according to research results, the involvement of the State Civil Apparatus can be seen from before the candidate selection period, even up to the general election period for legislative candidates. One of the reasons why the State Civil Service is not neutral is pressure from superiors. Where when State civil servants are not loyal to their superiors, they will be transferred and some will even be de-employed.

The State Civil Apparatus, hereinafter abbreviated as ASN, is one of the elements in the government environment that is always discussed when a general election is held. ASN is a profession for civil servants and government employees with work agreements who work for government agencies. Civil Servants, hereinafter abbreviated as PNS, are Indonesian citizens who meet certain requirements, appointed as ASN employees on a permanent basis by civil service development officials to occupy government positions. Discussions regarding ASN related to the general election always refer to the topic of ASN professionalism and neutrality in every general election. Therefore, the position of ASN is a special attraction for legislative candidates who can gain special benefits from the support of ASN.

In the midst of this growing idealism, the 2024 general election still seems to be characterized by a number of antitheses which have the potential to affect the quality and legitimacy of the general election, in which the ability of the State Civil Service (ASN) to build an attitude of neutrality during the general election process continues. The neutrality of ASN in election politics is something important because it concerns the extent to which the presence of state institutions as public servants is able to demonstrate its impartiality before the people so that it has an impact on providing quality public services to the people through professionalism in resource management.

Therefore, law enforcement against violations of ASN neutrality must be enforced. Law enforcement itself is a process of realizing legal desires into reality. Legal desires here are nothing other than the thoughts of law makers which are formulated in legal regulations.

Law Number 5 of 2014 concerning Civil Apparatus (PNR Indonesia, 2014) is the legal basis for the formation of the State Civil Apparatus Commission (KASN) as a non-structural government institution that is independent and free from interference from any party. The formation of KASN cannot be separated from the background of the state's concerns regarding the internalization of codes of ethics and codes of behavior that have not been fully implemented by ASNs. Efforts to avoid ASN from conflicts of interest that may occur are regulated in (PP 37 of 2004 concerning Prohibition of Civil Servants Becoming Members of Political Parties, 2004) Become a Member of a Political Party. This regulation emphasizes the prohibition on civil servants (PNS) from becoming members of political parties. Civil servants who are political party administrators are dismissed as civil servants. And, civil servants who will become members and/or administrators of political parties are required to resign as civil servants.

Prohibitions during the elections: ASN is prohibited from providing support to legislative candidates, by: a. Involving in campaign activities Using facilities related to the position in campaign activities; Make decisions and/or actions that are beneficial or detrimental to one of the candidate pairs during the campaign period; and/or. Carrying out activities that lead to partiality towards candidate pairs participating in the election before, during and after the campaign period includes meetings, invitations, appeals, appeals or giving goods to civil servants within their work units, family members and the community.

It can be concluded and linked to the words and policy orders put forward and emphasized by the President of the Republic of Indonesia, namely Mr. Ir. not taking sides from any form of influence and not taking sides with certain interests, especially by being directly involved in activities by supporting one of the legislative candidate parties.



## 2. Form of ASN Neutrality

In the large Indonesian dictionary, what is meant by neutrality is the condition and attitude of not taking sides. Based on the results of research conducted by researchers, the form of neutrality of the State Civil Service is not yet visible. This can be seen when in the general election of candidates for legislative members, the State Civil Apparatus is not neutral. Where the non-neutrality of the State Civil Apparatus was demonstrated starting before the candidate determination period where the State Civil Apparatus provided support to independent candidates. Apart from that, there is the participation of State Civil Apparatus in success team meetings, taking part in distributing money to the community, and taking part in campaign activities.

According to (Hazell et al., 2010), neutrality is divided into four aspects, namely 1) neutrality in politics, 2) neutrality in public services, 3) neutrality in ASN management and 4) neutrality in decision and policy making. Whereas in (R Wahyuni, 2021) underlines two main indicators of political neutrality: 1) not being involved in the sense of not being a candidate's success team during the campaign or being a campaign participant using party/ASN attributes; 2) not taking sides or not assisting in making decisions/actions that benefit one of the candidate pairs, not holding activities that lead to partiality towards one of the legislative candidate pairs during the campaign period including: meetings, invitations, appeals, appeals or giving goods to civil servants within the scope of the work unit, family members and the community, and does not assist in using state facilities related to office in the context of winning one of the legislative candidate pairs.

According to data from research that has been carried out in the field, the form of ASN neutrality in general elections. which was then linked to the theory according to Lasswel and Kaplan (Abidin, 2006) The policy is a means to achieve goals, referring to policy as a projected program regarding goals, values and practices. Associated with using operational theory using a normative basis. Namely law number 5 of 2014 concerning ASN. Namely, the principle of neutrality, which is meant by neutrality, is that every ASN employee does not take sides from any form of influence and does not take sides with anyone's interests. What must be fulfilled are:

Judging from the first indicator in the second focus, regardless of any form of influence, it can be concluded that superiors should not put pressure on their subordinates, in this case the State Civil Service. Because this of course greatly influences the actions of the State Civil Apparatus, especially with threats from superiors/leaders that if they do not follow superiors' orders or are disloyal to superiors they will be reassigned or even non-employed. So the non-neutrality of the State Civil Apparatus is not only seen from the internal factors of the State Civil Apparatus itself but there are also external factors that influence it. Because in this case the State Civil Apparatus is under pressure which makes them not be neutral. In fact, if you look at the regulations that have been issued by the government, the State Civil Apparatus should be neutral in the general election of legislative candidates. The conclusion is that the form of neutrality of the State Civil Apparatus in terms of indicators does not side with any form of influence, that the non-neutrality of the State Civil Apparatus is caused by pressure or threats from superiors. So they have to act neutrally in order to maintain the office or position they hold at that time.

According to Laswel and Kaplan (Abidin, 2006) The policy is a means to achieve goals, referring to policy as a projected program regarding goals, values and practices. Linked to the existing findings, it speaks about the purpose of the establishment of Law Number 5 of 2014 to provide public services for the community and be able to carry out its role as an element of national unity and unity. In the regulations, ASN must achieve its goals, but in practice or



implementation, the State Civil Apparatus forgets what their values and code of ethics are as ASN. In this research, ASN is not neutral.

In connection with the implementation of general elections, State Civil Apparatus are prohibited from carrying out activities or participating in activities that benefit one pair of candidates in the form of, among others:

1. Not Involved in Campaigns: ASN should not be involved in political campaigns to ensure impartiality towards certain candidates or parties.
2. Not Showing Preferences: ASN should not show political preferences openly, either through social media or other activities, in order to maintain the impression of neutrality.
3. Prioritize Community Service Duties: The focus of ASN should be on community service duties, without any political influence that could affect their performance.
4. Avoid Using Government Facilities for Campaigns: Using government facilities or resources for campaign purposes is an action that must be avoided.
5. Comply with Rules and Ethics: ASN needs to comply with established rules and ethics regarding neutrality during the election process.

From dataThe research results obtained by researchers when conducting research related to the second indicator in the second focus do not favor anyone's interests, so it can be explained that in the implementation of the general election of candidates for legislative members, the State Civil Service is not neutral. If it is related to the theory according to James Anderson (Indiahono, 2009) Policy is the behavior of a number of actors (officials, groups, government agencies) or a series of actors in a particular field of activity. In connection with the existing problems, it can be explained that the attitude taken by ASN when facing general elections, it is indeed justified that in carrying out general elections there are still State Civil Apparatus who are not neutral. This can be seen in real terms when there are campaign activities, or other activities of one of the candidate pairs, there will definitely be State Civil Apparatus who attend the activity.

## CONCLUSION

Based on the research results, it was found that the duties of ASN in implementing government policies in accordance with Law No. 5 of 2014 were that state civil servants did not know and carry out the duties and responsibilities of state civil servants whose duties and responsibilities were:

- 1) Implementing public policies made by civil service development officials in accordance with statutory provisions regarding their duties has not been carried out based on existing regulations because from the results of the research it was found that the State Civil Apparatus does not know, understand and understand what their duties are and the basis for the relevant regulations used. their duties as ASN, lack of socialization from leadership regarding the basic rules and duties of ASN and the existence of obstacles in carrying out their duties, both arising from within the ASN itself or from outside (society).
- 2) Form of ASN Neutrality in General Elections.

Based on research results, there is a form of ASN neutrality that must be adhered to by ASN itself, namely not taking sides from any form of influence. ASN in relation to following the principle of neutrality stated in Law No. 5 of 2014 which requires ASN to be neutral in politics. This will produce ASN who have integrity, are professional, neutral and free from political intervention, free from practices of corruption, collusion and nepotism, and are able to provide public services for the community and are able to carry out their role as an element of national unity and unity.



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