

REALIZING THE NEUTRALITY OF GOVERNMENT EMPLOYEES FROM POLITICAL INTERVENTION

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Abstract: One of the demands of the Reformation is the abolition of the practices of corruption, collusion and nepotism (KKN) from the government system, this is to establish and realize competent and professional state apartments towards good governance. In practice, until now power holders still use it to strengthen the interests of certain groups and elites, so that the state civil service (ASN) in carrying out its duties and functions always intersects political interests. Thus, there is often an abuse of power due to the intersection between political policies which results in a decrease in the quality of public services, of course this will be very detrimental to society. This study sought to find out the formulation of optimizing the function of public services by ASN from political intervention. Politics This research uses a normative juridical method with reference to the historical approach and statute approach. Arrangements related to the Neutrality of ASN in the government system since the independence regime has so far been strongly influenced by the legal politics of power holders, whether to be separated in a pure or semi-legal manner. ASN has a big role in determining and running the government, so that its existence has a strategic role for incumbents in maintaining power. The merit system which is expected to be able to guarantee the attitudes of ASN neutrality has not been fully implemented, because the regional head as the Personnel Development Officer (PPK) has the authority to determine the career path of the ASN. So that the presence of the state civil apparatus commission (KASN) is expected to be able to supervise the implementation of ASN neutrality and the implementation of the merit system in filling positions and determining career paths.

Keywords: Keywords: Government Employees Neutrality, Political Intervention, and Public Service

1. Introduction

One of the demands of the Reformation is the abolition of the practices of corruption, collusion and nepotism (KKN) from the government system, this is to establish and realize competent and professional state apartments towards good governance. In practice, until now power holders still use it to strengthen the interests of certain groups and elites, so that the state civil service (ASN) in carrying out its duties and functions always intersects political interests. Thus, there is often an abuse of power due to the intersection between political policies which results in a decrease in the quality of public services, of course this will be very detrimental to society. This study sought to find out the formulation of optimizing the function of public services by ASN from political intervention. Politics This research uses a normative juridical method with reference to the historical approach and statute approach. Arrangements related to the Neutrality of ASN in the government system since the independence regime has so far been strongly influenced by the legal politics of power holders, whether to be separated in a pure or semi-legal manner. ASN has a big role in determining and running the government, so that its existence has a strategic role for incumbents in maintaining

power. The merit system which is expected to be able to guarantee the attitudes of ASN neutrality has not been fully implemented, because the regional head as the Personnel Development Officer (PPK) has the authority to determine the career path of the ASN. So that the presence of the state civil apparatus commission (KASN) is expected to be able to supervise the implementation of ASN neutrality and the implementation of the merit system in filling positions and determining career paths.

One of the issues that is of concern currently is the intervention of political interests of group against the state civil apparatus (ASN). This is not excessive because ASN has a high level of vulnerability to conflicts of political interests. Thus, ASN that is expected to have professionalism in carrying out its role and function as a good government servant, will be difficult to actualize because they must be clashed with various kinds of interests from individuals and/or groups/classes. Basically, the party that is able to politicize ASN could be from internal or external party, which are their leaders or other parties. This certainly have a negative impact on the performance of ASN.

Practically, the implications that might occur if there is political intervention in the state civil apparatus by incumbent heads are position placement that is not based on competence, but rather because of the marriage system factor rather than merit system ([Teddy & Agus, 2016](#); [Dong & Keshavjee, 2016](#)). This then becomes personal matter in character establishment of ASN, so that the objectives of the ASN to have independence, objectivity and transparency in public services are difficult or even cannot be achieved ([Tedi & Sri, 2017](#)).

According to the results of a study on the Field of Assessment and Development of the State Civil Apparatus Commission System (KASN), the form of violations related to ASN neutrality often occurs in regional head elections and/or general elections ([Komisi, 2017](#); [Yang & Chang, 2017](#)). For example, an incumbent who will advance in election contestation through ASN uses the local government budget to conduct socialization and covert campaigns by deliberately installing billboards or banners that are used to increase the incumbent popularity. Another case is that an incumbent deliberately provide social assistance to the community, which is then suspected to be used as a tool to attract sympathy from the community. Within 3 years of the commencement of simultaneous regional elections from 2015 to 2018 at least in the KASN data, there are 480 complaints reports of alleged violations committed by ASN related to neutrality.

From the background that has been conveyed, there are several issues that is crucial to be studied deeper, which are: (1) How is the regulation of neutrality of the state civil apparatus (ASN) in Indonesia; and (2) How is the influence of intervention of political interests on the current neutrality of the state civil apparatus (ASN).

2. Literature Review

Akhmad Aulawi in his research stated that through ASN management which uses a merit system and the neutrality of government employees (ASN) from political elements is expected to be part of the nation's solutions. Effective management through a system of merit and neutrality of government employees from political intervention is a goal that is expected to create government employees who are

professional, neutral and free of intervention, and able to provide public services for the community ([Akhmad, 2015](#)).

The difference made by researchers is based on the evaluation of the enactment of Law No. 5 of 2014, the merit system has not been fully able to create neutrality and professionalism of government employees. however, there is another side, namely the position of the official or head of the region who is a political party person who has an important role in staffing management, namely as an official Personnel Advisor (PPK).

3. Method

This study uses a normative juridical method with historical and statute approach since the issues are related to the history of regulation of political position and neutrality of ASN from the post-independence period until the enactment of Act No. 5 of 2014 concerning State Civil Apparatus. The specification of this study is descriptive analytic as it is expected to provide ideal thoughts related to the political position on ASN neutrality so that both can function accordingly. The data used in this study are secondary data obtained from library materials, which is then arranged systematically and analyzed qualitatively to achieve the ideal format about the political position and neutrality of the ASN.

4. Discussion

A. History of Political Settings and Neutrality of the Government Employees (ASN)

To clarify the development of the neutrality arrangements of ASN in their position as government bureaucrats, we will divide into 4 phases which are the beginning of the independence and the Old Order regime (1945-1965), the New Order regime (1965-1998), Reformation (1998-2014), and the Act No. 5 of 2014 on State Civil Apparatus.

1. ASN position at the beginning of independence and Old Order regime (1945-1965)

In its development, the establishment of civil servants, both during liberal democracy and guided democracy, has not received special attention. This is because there is an unnatural political game from certain parties groups that creates continuous chaos in the field of staffing. Parties/certain groups try to influence and attract civil servants to become members, because civil servants generally have positions or skills that affect society at large ([KORPRI, 1988](#)). This triggers suspicion among employees of different parties/groups in the same office/institution.

To overcome this problem, a Presidential Regulation (Perpres) No. 2 of 1959 on Prohibition of Membership of Political Parties for State Officials Citizens of the Republic of Indonesia was issued. It states on article 2 that state officials as referred to in article 1 paragraph (1) are prohibited to become members or administrators of political parties. The consequences given if someone violates these provisions are honourably dismissal from state company positions and so on. As for its implementation, the government issued a policy through Circular (SE) of President No. 2 of 1959 on the prohibition of membership of Political Parties for State Officials that Implement State Authority Outside of their Position.

2. ASN position on the New Order regime (1966-1998)

During the New Order regime, the Government assumed that PNS must be given the freedom to associate and gather in political parties. This is firmly guided by Article 27 paragraph (1) of the 1945 Constitution that all citizens are equal in law as well as government and are obliged to uphold the law and government with no exceptions. Furthermore, referring to Article 28 of the 1945 Constitution, freedom of association and assembly, issue thoughts with oral and written and so on are determined by the Act.

With the existence of Act No. 2 In 1970, the opportunity for PNS to participate in the political field is very wide open. This is proven by the follow up of Government through Presidential Regulation No. 26 of 1970 concerning PNS Membership in Political Parties and *Golongan Karya*. If we notice the Act No. 3 In 1975 concerning Political Parties and *Golongan Karya*, at that time there were two political parties which are the United Development Party and the Indonesian Democratic Party, also one functional groups, which at the time of the enactment of this Act was named *Golongan Karya*.

3. ASN's position on the Reformation (1998-2013)

The regulation on staffing is regulated by the establishment of Act No. 43 of 1999 concerning changes to Act No. 8 of 1974 concerning Staffing Principles. Article 3 paragraph (2) states that "in the position and duties as referred to in paragraph (1), Civil Servants must be neutral from the influence of all groups and political parties and not discriminatory in providing services to the community". This has become very contrary to Act No. 8 of 1974, so explicitly that PNS must be neutral in carrying out his duties including neutral in the political area.

As a form of affirming the neutrality of civil servants, PP No. 37 of 2004 concerning Prohibition of Civil Servants becoming Members of Political Parties is formed. It is stated in the dictum section that "Civil Servants as elements of the state apparatus must be neutral from the influence of all political parties and groups, not discriminatory in providing services to the public, and are prohibited from becoming members and/or administrators of political parties". This is clarified in the explanation section of PP No. 37 of 2004 that "solidarity, and unity of Civil Servants, and to be able to focus all attention, mind, and energy on the tasks assigned to him, Civil Servants are prohibited from becoming members and/or administrators of Political Parties".

4. ASN's position on the regulation of Act No. 5 of 2014.

One of which that is different from Act No. 5 of 2014 is the term State Civil Apparatus (ASN) in which if referring to Article 1 number (1) states that "State Civil Apparatus hereinafter abbreviated as ASN is a profession for civil servants and government employees by agreements working for government agencies". Therefore, the scope of this act becomes wider, not only for PNS.

In the dictum of Act No. 5 of 2014, it states that "it is necessary to build ASN that have integrity, professional, neutral and free from political intervention, clean from the practices of corruption, collusion and nepotism, and able to provide public services for the community and be able to play a role as an adhesive element of national unity based on Pancasila and the 1945 Constitution of the Indonesian

Republic of Indonesia". Act No. 5 of 2014 provides reaffirmation that ASN must maintain its independence and neutrality. This can be seen in the explanation section "in an effort to maintain ASN neutrality from the influence of political parties and to ensure the integrity, compatibilities and unity of the ASN, and to focus all attention, mind and energy on the tasks assigned, ASN is prohibited from becoming a member and/or executive political parties".

B. The Influence of Incumbent Political Intervention on the neutrality of the Government Employees (ASN)

According to Wilson, state administration or PNS function to implement political policies; administration matters or PNS are outside political studies and not in the political field. Wilson's concept is supported by Frank Goodnow who taught that there are two main functions of government that are very different from each other, which are politics and administration. Politics is the side that is obliged to form and formulate policies, while the administration relates to the implementation of the policy (Warsito, 2006).

Based on this, then what should be meant by the definition of neutral is a condition of someone who is impartial and does not have a certain attitude to other people or certain parties, or a condition of someone who are not influenced by any party outside himself. Referring to the essence of neutrality, it can be stated that the neutrality of PNS is only directed to carry out their duties and functions in the administration of government, development, and service to the community, without participating in political activities (apolitic). This means that neutrality does not stand in a vacuum, but correlates with the essence of objectivity, because the essence of objectivity always leads to neutral conditions. Therefore, it is clear that neutral substance is impartial. Indeed, impartial conditions will be fulfilled if they are outside the system and do not provide space for interventions of interest. (Tedi & Agus, 2016).

The desire to bring neutral bureaucracy to politics is intended to avoid abuse of power against the bureaucracy. This is because the institutions led by bureaucrats have a function in providing services to the community, not merely to to meet certain personal and/or group needs. Problematic matters in political intervention to the ASN occurs on the placement of positions in the bureaucracy, because ASN supervisor is a public official who is closely related to politics.

The strategic position in the ASN Law is the existence of a Civil Service Officers Officer (PPK) who has the authority to determine the appointment, removal and dismissal of officials other than key high and middle high ranking officials and functional officials of key expertise owned by the President and can be delegated to the Minister, leadership government agencies, secretaries-general, governors and regents / mayors who are all public officials who are closely related to the interests of political parties.

The authority possessed by ministers and regional heads becomes a super great force, because with that authority they can arrange and fill strategic positions for the benefit of their groups, although in terms of regulation there is a merit system in filling the position, but in practice there is still currently an official staffing officer who haven't done it yet. This will certainly have an impact on the

performance of government employees who want to have high career paths, because if they are not part of the group then careers will find it difficult to develop because strategic positions will be filled by loyal groups and help their performance.

The Head of the Legal Department of the East Java Provincial Government's staffing agency explained that the position of the official Personnel Development Officer (PPK) by the Regional Head had an impact on employee performance orientation, which should have turned public services into services of superior interests. This will certainly cause harm to the community, because public services should be based on community needs rather than based on the wishes of superiors only, so that all policies can be right on target and have an impact on society. actually the regional head is justified to have a priority program, but in personnel management it should be under the control of the highest ranking official who can objectively assess career paths, so that the bureaucracy does not have to intersect and be intervened by political interests.

So that it takes a big commitment from the legislators, to position public officials who come from elections and public officials who come from internal careers. Ministers and Regional Heads who are public officials of political parties should focus on making public policy not included in the position of filling and placement of career positions. Whereas in the framework of the function of filling the executive government position, the highest ranking official in the agency is the Secretary General or Regional Secretary who is appointed because of his performance and professionalism using the merit system. so that government employees will not worry about the continuity of their careers, because the focus on providing public services and careers will be directly proportional to the achievements and performance of individual government employees, not based on compensation.

5. Conclusion

Regulations relating to the neutrality of government employees in Indonesia have historically been very dependent on the legal politics of the legislators when they were positioned to be completely neutral, half neutral or not neutral in the sense that they could participate in politics and play the role of political parties in the status of government employees. Government employees because they have a strategic role, so they must be regulated with all the arrangements so that the presence of government employees is only as much as possible to carry out public service functions on behalf of the government and the state. Position of Staffing Supervisors (PPK) from the elements of Political Officials must be abolished and replaced by Staffing Supervisors who come from internal careers namely the secretary general or regional secretary, this in order to guarantee career continuity for government employees by always emphasizing the performance and achievements of public services not reciprocation of political officials. Therefore this provision in the law must be changed and adjusted to the needs.

In carrying out governmental duties, development and public services, politicization is surely very detrimental. The society as the owner of sovereignty does not get the services and the rights as they should be because of the ASN who

have been exposed to the politicization of political interests. It is clearly qualified as a betrayal to the state. This is a serious concern in Act No. 5 of 2014 which mentions at least five times of the term 'neutral' and 'neutrality' as something that must be attached and must exist in an ASN. The attitude of monoloyalty of an ASN must be given as much as possible for the benefit of the nation and state.

Public officials, in this case is the power holders in the bureaucracy at the central, provincial or regency/city level, should properly contribute and support the actualization of the Neutral ASN. Even though there are ASN that become member and/or political administrator who occupies certain political positions, officials must be able to place the ASN as neutral, not the other way around. Political intervention activities on the ASN will result a negative impact and even damage the image of the ASN unity and also harm the public interest. An official is expected be able to separate the interests of personal politics/groups and the interests of nations and states.

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