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## Neutrality of State Civil Apparatus (Asn) and Its Implications for Their Regional Career Management

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### **Abstract**

The practice of violations by the State Civil Apparatus (ASN) in the form of non-neutrality in Regional Head Elections, including at the Provincial and Regency/City levels has implications for many irregularities in regional career management. The method taken for this research was a descriptive qualitative approach. The findings of this study revealed that the form of violation of neutrality was participating in or supporting one of the candidate pairs for the regional head. This condition was motivated by their desire to accelerate their career development or maintain a strategic position. Non-neutral practices ultimately have implications for career management that is not based on a merit system and various irregularities, including closed career patterns, prioritized career development for those who are more loyal or meritorious during the Regional Head Election, and mutations that are not following the rules. Best Practice in implementing the merit system in the regions shows that the commitment of the Regional Head is very decisive, as has been done by West Java Province. The elected regional head must be able to control various pressures from the success team or the closest ASN to be consistent with the merit system that has been built. In overcoming the problems that occur, several actions should be taken are: (1) To immediately establish a standard of job competence for JPT and administrative positions. (2) Increase the supervision of the Menpan (Ministry of State Apparatus Empowerment and Bureaucratic Reform of the Republic of Indonesia) and RB (Bureaucratic reform), KASN (State Civil Service Commission), BKN (State Civil Service Agency) and Ministry of Home Affairs (3) encourage the function of the personnel auditor optimally to carry out periodic audits related to regional ASN management. (4) Increasing the role of ASN professional organizations so that they can encourage and implement career management based on a merit system.

**Keywords:** Neutrality, Career, ASN

### **I. Introduction**

In every regional head election, both at the provincial level or the district/city level, it is always accompanied by reports of non-neutral ASN violations. Data from the State Civil Service Agency (BKN) in November 2020 showed that 827 ASNs were reported to have committed non-neutral violations in 2020. Of these, 606 ASNs who violated have received a recommendation from KASN, of which 362 ASNs have been sentenced to disciplinary actions by officials. The Civil Service Officer (PPK), while 72 ASNs have not followed up on the imposition of sanctions by PPK (BKN, 2020). KASN data also showed that cases of violation of neutrality from year to year tend to increase. In 2015, there were 29 complaints submitted, which then increased to 55 complaints in 2016, and increased again in 2018 to 491 complaints and 827 complaints in 2020 (KASN, 2018:3).

The emergence of ASN that is not neutral is reflected in the aspects of supply and demand. Based on the supply aspect, it is known that regional head candidates participating in regional head elections need a variety of assistance, both material (funds, goods/t-shirts/banners/etc.) and immaterial (mass support) for the campaign until they are elected. Therefore, civil servants who have the potential and are willing to support (material /immaterial) are welcomed by the regional head candidates. Meanwhile, referring to the demand aspect, ASN is willing to support the regional head candidates on the condition that when elected later, the regional head candidates are willing to pay attention in terms of career development or strategic positions or securing the current position.

The conditions as stated above need serious attention and follow-up, considering that the impact will affect ASN management, especially career management. The non-neutrality of the ASN also has an impact on the organization where there will be a decrease in the performance aspect or not the achievement of the predetermined performance targets. This study focuses on the neutrality of ASN and its implications for ASN career management in the regions. The research is expected to have practical and theoretical implications. The expected practical implication is in the form of a strategy or concept in realizing neutral ASN in the regions so that a merit system-based career management can be realized, which emphasizes particularly on competency, performance, and qualification aspects. To overcome the problem of ASN neutrality and ASN career management, the theoretical implications are expected to be able to contribute concepts or strategies in the field of Apparatus Resource Management as a field of study in the science of public administration.

## **II. Discussion**

Neutral is not taking sides, either beneficial or detrimental to one party (Big Indonesian Dictionary, 1988: 613). Neutrality on the other hand is a neutral condition/situation and/or attitude. Regarding the election of regional heads, ASN neutrality means impartiality, free of intervention, free of influence, fair, objective (Nuraida Mokhsen, 2018), unbiased, impartial in terms of politics, public services, policymaking, and ASN management (Sofian Effendi, 2018). Thus, ASN must be neutral as proven by not being

involved and/or not taking sides or not benefiting or not detrimental to one of the candidate pairs in the regional head election (La Ode Muh Yamin (2013). There is a prohibition for civil servants in regional head elections which are regulated in Government Regulation No.53 of 2010. Besides, there are prohibitions related to the code of ethics stipulated in PP 42 of 2004 as well as the Joint Decree (SKB) on Guidelines for Monitoring the Neutrality of Civil Servants in the Implementation of Simultaneous Regional Head Elections in 2020.

The neutrality of ASN is needed as an effort to maintain the professionalism of ASN in providing services to the community, realizing good governance, creating a healthy democratic climate, effective implementation of public policies, and strengthening unity and integrity (Siti Zuhro, 2016).

### **Violation related to ASN Neutrality**

Based on various existing regulations, it is stated that ASN must be neutral in the Regional Head Election at the Provincial and Regency / City levels. However, some data and facts were still found which in practice showed that ASNs were not neutral in the Regional Head Election. The forms of neutrality violations by ASN in Regional Head Elections include the following:

1. Contributing, either in the form of material (funds/t-shirts /banners) or non-material (mass support, and policies that benefit or harm a candidate pair).
2. Participate in the campaign of one of the pairs of candidates.
3. Directing and mobilizing support (mass, organization/forum/association) to one of the candidates.
4. ASN takes a photo with one of the pairs of candidates in a pose using a symbol of hand gestures or certain codes or other movements that indicate partiality towards one particular candidate pair.
5. ASN displays or distributes banners and other forms of regional head/deputy regional head candidates (before the determination of regional head candidates).
6. Conducting approaches to several political parties in the context of candidacy as regional heads (while still on the status of ASN or before the nomination of candidates, and do not apply for leave outside of State Cover).
7. Becoming a speaker or resource person in the activities of a political party or the activities of one of the pairs of candidates

The causes of violations related to the neutrality of ASN as stated above include (Sutrisno, 2019: 521):

1. ASN's desire to advance in their careers but using disgraceful efforts.
2. Weaknesses of ASN due to limited competence and performance, so that it takes advantage of the Regional Head Election to cover up these weaknesses to advance careers.
3. Supervision from central and regional is not optimal, including weak sanctions for those who commit violations, where the center is waiting for a complaint report to provide guidance, control, and impose sanctions.

4. Primordial relationship (relatives/friends/colleagues) of several ASNs with one candidate pair.

Until now, there have been very few actions taken against ASNs who have violated neutrality. If the partiality report as reported by the General Election Supervisory Agency (Bawaslu) or certain parties to the State Civil Apparatus Commission (KASN) and followed up by KASN, then the action is in the form of a recommendation to impose sanctions by PPK in the regions. Meanwhile, ASNs that are not reported often do not receive strict sanctions, some of them have even been promoted to higher levels. This is due to several factors as follows:

1. Elected regional heads are reluctant to take action against ASN who take sides and assist the elected regional heads during regional head elections. The dominant PPK provides job-related promotions to these ASNs.
2. Regional agencies have difficulty obtaining evidence or evidence of ASN neutrality. This is because ASN does this through underground activities, including using a wife, relative or certain person to support or side with one of the candidates. An indication of neutrality can only be seen if the candidate pair for the regional head has the most votes and is determined as the elected regional head.
3. The sanctions given are very light, especially if the sanctions are only sanctions related to the code of ethics. These sanctions do not motivate ASN to avoid siding with one of the candidates.

#### **Regional Head Election, Neutrality and its implications for ASN Career Management**

Direct regional head elections have motivated several ASNs to participate or take sides (not neutral) with one of the pairs of candidates. This condition ultimately has an impact on ASN career management in the regions. The non-neutrality of ASN in regional head elections has a negative impact on the implementation of career development, competency development, career patterns, transfers, and promotions for ASN (career management following Article 162 of Government Regulation 11 of 2017). This can be identified as follows:

1. Career Development

ASN development should be carried out by taking into account the qualifications, competencies, and work performance of ASN (Article 176 PP 11 of 2017 jo PP 17 of 2020). However, the facts in the field show that ASN career development is prioritized to ASN who are meritorious and more loyal during regional head elections (Rusliandy et al, 2019). Elected regional heads will find it difficult to determine career development plans and evaluation of career development. This can have an impact on the occurrence of career plans that are closed (not published), career patterns cannot be implemented, and the application of career development evaluations which are only carried out by mapping ASNs that are in favor of certain candidates, ASNs who side with the opponent of the elected regional head pair, and ASNs who are in favor of certain candidates. neutral. In this case, ASNs who are credited will be placed in strategic places and many of them will receive promotions, while ASNs who are opposite in their siding

will be transferred to positions that are not strategic. Some of them have experienced demotion (non-job).

Post-elections are also often accompanied by the transfer of functional position holders to supervisory (echelon IV) or Administrator (echelon III) positions. Unfortunately, the functional positions that are left behind are functional positions whose quantity is far from ideal, such as in education and health circles. This in turn has implications for disruption of the formation of functional positions in the regions. In the end, this will also affect organizational performance, including related to health and education services. On the other hand, open selection for ASNs (administrators or intermediate level functional positions) for high leadership positions is often carried out as a mere formality. Since the announcement of vacancies and the selection process, candidates who will sit in JPT Pratama (High Leadership Position) have been circulating and many potential administrator positions are reluctant to participate in the selection because they are sure that even if they are ranked in the top 3, they will not be selected by the PPK. This decreases the motivation of civil servants who have the potential (competence, performance, qualifications, and achievements) to participate in the open selection so that the purpose of the selection to produce the best officials is not fulfilled.

## 2. Competency development and competency standards

There are still many regional agencies that have not yet compiled job competency standards for all positions in the regional apparatus. This was then used by elected regional heads to place ASNs who were meritorious even though they were not suitable from the aspect of competence or qualifications. This condition can also result in suboptimal competency development, which is indicated by a limited budget. Several regional agencies were also found not to conduct competency development needs analysis.

This condition is used to place civil servants who are not based on competence, educational qualifications, or experience in certain positions. For example, in filling positions in technical offices such as the Public Works and Spatial Planning Service (PUPR), those who are selected are not those with a civil engineering background / similar, but by ASN with a Social and Management background.

## 3. Career Patterns

Post regional head election career patterns are often no longer a guide in the appointment and placement of employees in positions. The career pattern prepared by the agency is closed and is not socialized to all civil servants.

In fact, with a career pattern, it is hoped that the pattern of ASN guidance in the career development path by considering the harmony between positions, ranks, competency development, tenure, and ASN behavior attitudes (Perka BKN 35 of 2011) can be realized. This career pattern should be able to help ASN, especially those who are new to determine their career choices and prepare various competencies that must be explored.

## 4. Mutations

After regional head elections, ASN mutations in regional agencies are often carried out in less than 2 years or even less than 1 year (without any disciplinary violations or performance evaluations). This contradicts the

existing regulations where the mutation should ideally be carried out at least after 2 years and a maximum of 5 years (Article 190 paragraph 3 PP 11 of 2017). This condition indicates that the organization.

There is a performance appraisal team that assists PPK in regional ASN career management which functions to assist in providing consideration in the appointment, transfer, and dismissal of ASN in and from supervisory and administrator positions. However, the existence of a performance appraisal team appears to be only formal legal. Sometimes the performance appraisal team only agreed to the KDP choice.

Regional head elections and the neutrality of ASN not only have an impact on career management but also have negative implications for the following:

1. ASN is formed into groups and creates certain groups. This causes the low cohesiveness and togetherness of ASN. It often happens that ASN tries to bring down the name and credibility of their friends.
2. Reducing the motivation and performance of civil servants with performance, qualifications, discipline, and competence. Especially if they obey the rules for being neutral in the Pilkada.
3. Elected Regional Heads are confused with ASN who have contributed a lot in Regional Head Elections because they demand several positions or positions, whether promised or not. This resulted in regional heads choosing ASNs with high loyalty and political closeness compared to ASNs who had competence, professionalism, qualifications, performance, and discipline (Rusliandy et al, 2019: 74).
4. Organizational performance is not optimal because ASNs who are elected in several positions are not based on a merit system, but rather because of loyalty and remuneration. This in turn has an impact on not achieving organizational performance targets or even the Regional Medium-Term Development Plan (RPJMD) targets. In the middle of the road (2-3 years of leadership), the Regional Head just realized that the mistake in appointing ASN in office had caused organizational performance to slow down and targets were not achieved. In this condition, it will be difficult for the Regional Head again to move an underperforming official to another position that is not strategic, while on the other hand, the existing positions are very limited.

#### **Career Management before the election to the region for the Head of the Incumbent Region**

The Regional Head who will compete in the next regional head election (2nd period if elected) often makes preparations to help him in the regional head election event. One of the things that were done was placing people under their command (with ASN status) in strategic (certain Service / Agency) and regional (Mayor/Village Head) positions. This was done because there was a hope that during the preparation for the regional head elections, these officials would help him, either directly or indirectly, both materially (funds/banners/t-shirts, etc.) or in material (mass mobilization/support, etc).

This condition also creates the following problems:

1. ASN commits an offense in the form of being non-neutral in the next regional head election. For ASNs who get attention from the Regional Head, they will try to support the Regional Head, while ASN who do not get attention will support other potential pairs of candidates.
2. Career managers will again experience several deviations or do not pay attention to the merit system.

### **The appointment of the sub-district head after Law Number 23 of 2014 is an effort to create a merit system**

Before the enactment of Law Number 23 of 2014, we can see that there are regional heads who appoint ASN to the position of Head of Sub-District with various educational backgrounds or qualifications, such as scholars of religion, education, agriculture, and even those who are doctors. Whereas the competence needed for the position is the competence or qualification in the government sector. This condition occurs a lot because the ASN is a supporter or close person of the Regional Head.

With the issuance of Law Number 23 of 2014, especially Article 224, it is hoped that it will be able to curb the desire of regional heads in the appointment of Camat. Some ASN supporters or those close to Regional Heads with backgrounds outside the field of Government must first take S1 Government education or civilian education and training. This is of course to respect the educational qualifications and competence in placing ASNs in positions. Efforts to realize a merit system in appointments, transfers, and dismissals in the office can imitate what is stipulated in Law Number 23 of 2014 as stated above. Ideally, Ministries / Institutions as supervisors of regional apparatus must establish occupational competency standards for all types of positions in the regional apparatus.

### **The role of the Center in terms of prevention and handling of ASN Neutrality and Career Management**

In terms of the neutrality of civil servants, the State Civil Apparatus Commission (KASN) has a duty to maintain the neutrality of ASN employees. Concerning this task, KASN carried out various socialization as well as received various reports of neutrality violations, traced data, and information on neutrality violations, and carried out prevention of neutrality violations (KASN, 2018: 3). Regarding career management, KASN also has a purpose and function to ensure the realization of a merit system in ASN policy and management (Law 5/2014). KASN can carry out data and information tracing or supervision of the implementation of the merit system. For regional heads who do not follow up on the results of supervision, KASN recommends the President impose sanctions on PPK (Law 5/2014). In practice in the regions, the duties and functions performed by KASN have not been able to reduce the practice of violating the neutrality of ASN in the regions. The facts show that the number of complaints about neutrality violations from 2015 to 2020 has increased. This is due to the following factors:

1. Supervision of KASN is more focused on filling / transferring positions of high leadership position, while supervision of the appointment/transfer/dismissal of and in administrator or supervisor positions is very weak. This is very unfortunate considering the number of administrator and supervisor positions is more than the number of JPT Pratama positions. The practice of remuneration in career development occurs mostly in the area of administrative positions.
2. There are no sanctions that until now can have a deterrent effect on political officials, such as regional heads who carry out career management not based on a merit system. Even if there are violations of the results of the KASN investigation, it is only recommended in the form of warnings, administrative improvements, for example canceling the appointment letter or returning to the original position for demotion.
3. There are ASN motivation and success stories ASN that are in favor of the elected candidates with accelerated career achievements, even in strategic positions.

From a regulatory perspective, the Central Government has also implemented several policies to avoid politicizing the bureaucracy. Some of these policies include the prohibition of not replacing officials 6 months before the date of appointment of a pair of candidates until the end of the term of office and after the inauguration unless obtaining written approval from the Minister of Home Affairs (Law 10/2016). This policy can select several appointments/transfers/stops that are not following the provisions. However, only 6 months before the determination of a candidate and 6 months after the inauguration of the regional head, there were still many irregularities.

### **Lesson Learned from Career Management in West Java Province**

West Java Province successfully won the Meritocracy Award in the Very Good category from KASN in January 2021. The first thing as the entrance to the success of West Java Province is the commitment and leadership of the regional head. It is believed that there are various inputs/pressures/suggestions from the success team, but the regional head remains committed to the merit system being built so that he continues to follow a series of stages (competency mapping, competency test, performance) and requires himself to continue to have the best value to be eligible to be selected and get the position.

West Java Province has successfully used the talent instrument in making rotations, transfers, and promotions. Competency and performance mapping of all civil servants is carried out by utilizing information technology. The results of the mapping are followed up by ranking of employees, which include aspects of qualifications, competencies, and performance, as well as a succession plan. Thus, when an appointment, transfer, and dismissal is carried out, everything is processed transparently and objectively. Employees who are not selected can be consulted regarding their weaknesses so that they can make improvements for the next period.

In encouraging employee motivation and performance, West Java Province gives the "Employee of the Month" award for employees with the best



performance and making innovations. This award has motivated other employees to perform and innovate more optimally.

### **III. Conclusions, Implications, Limitations And Recommendations**

#### **A. Conclusion and Implications**

Violations related to ASN neutrality during Regional Head Elections are very difficult to minimize which in turn will have implications for ASN career management in the regions. There have been many irregularities in career development that have created a closed career pattern. Besides, competency standards and competency development needs have not been compiled thoroughly, as well as irregularities in terms of ASN mutations. In the end, this condition will only create system merit that does not materialize, performance targets are not achieved, and ASN is differentiated into certain groups.

#### **Practical Implications: Concepts or Strategies in maintaining Regional ASN Career Management**

In addressing the phenomenon of ASN Neutrality and its implications for Career Management, it is necessary to develop a concept to reduce ASN's desire to commit neutrality violations. One way of doing this is by building an ASN career management system that is difficult to politicize. These are as follows:

1. Ministries or government agencies as supervisors of regional apparatus are advised to immediately set competency standards for JPT and administration positions. The Competency Standard serves as a guideline for the appointment of positions in regional apparatus. For example, such as the stipulation of conditions for the appointment of a Head of Sub District can suppress politicization of the appointment in the office.
2. Increased supervision from the Central Government includes KASN, Menpan, and RB, BKN, and Ministry of Home Affairs. Supervision is carried out in preventive and repressive forms, both online and with openness in the appointment/transfer/dismissal of positions by local governments through the development of applications (use of information technology) that can detect irregularities in career management in the regions.
3. Encourage the function of the personnel auditor to conduct regular audits in ASN Management, especially career management in the regions optimally.
4. Widely open complaints from ASN or the public, whether they are detrimental or not personal, but there are indications of a violation of the merit system.
5. Build collaborative governance in the supervision and application of career management based on a merit system. Collaborative Governance can involve several stakeholders, including KASN, BKN, Ministry of Home Affairs, KemenPan, and RB, as well as Ministries / Institutions for Regional Apparatus Guidance (Ansell and Gash, 2007).
6. Increasing the role of ASN professional organizations so that they can encourage and support the implementation of career management based on a merit system. This is considering the current condition which shows that professional organizations tend to be unable to do anything because they are

subordinated to the Regional Head, even the head of the organization must obtain approval from the regional head.

### **Theoretical Implications**

The theoretical implication that can be put forward is that the practice of violations of ASN Neutrality has increased and the Pilkada directly has become an obstacle in realizing the Merit System in ASN Management, namely the leadership aspect of the Regional Head. This is following Enceng and Aslichati who explained the core leadership role of management (the process of influencing individuals in making decisions to achieve goals or objectives).

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