



LEGAL ARRANGEMENTS FOR THE ENFORCEMENT OF THE NEUTRALITY VIOLATION OF THE STATE CIVIL APPARATUS (ASN) IN SIMULTANEOUS REGIONAL HEAD ELECTIONS (CASE STUDY IN SRAGEN REGENCY)

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Abstract:

The State Civil Apparatus (ASN) role is crucial to carry out government affairs within the framework of achieving national goals. In carrying out these duties as a state apparatus, they must provide services to the community in a professional, honest, fair, and equitable manner in carrying out state, government, and development tasks. ASN must be neutral from the influence of all political groups and parties and not discriminate in providing services to the community. In 2015, Sragen Regency participated in celebrating the democratic party, namely the simultaneous election of regional heads and deputy regional heads on December 9, 2015. The Panwaslu (Election Supervisory Committee) of Sragen Regency found and received reports that many ASNs were not neutral. The Panwaslu report reached KASN, and several cases were left without follow-up handling and seemed to evaporate. This study uses qualitative research methods to obtain facts regarding the problem of ASN neutrality in the Sragen Regency in the 2015 simultaneous regional elections. The unit of analysis in this research is the Panwaslu of Sragen Regency and the Education and Training Personnel Agency (BKPP) of Sragen Regency. Data collection techniques used are in-depth interviews and documentation to complete the data in this study. ASN violations occurred before the campaign period and during the campaign period. The number of ASN is not neutral by attending campaigns, other stage activities, and providing campaign materials using state facilities such as office buildings and ASN official vehicles. Of course, the involvement and alignment of ASN in the 2015 Regional Head Elections is due to the incumbent candidate. The Sragen Regency Government, namely the Sragen Regent, should give sanctions or disciplinary punishments to ASN who are not neutral in following the existing laws and regulations. The Sragen Regent should be more firm in responding to this non-neutral ASN case. Legal arrangements are needed to handle ASN Neutrality violations in the General Election and Simultaneous Regional Head Elections.

Keywords: ASN neutrality; ASN Involvement and Alignment; Incumbent Candidate.

Abstrak:

Peran Aparatur Sipil Negara (ASN) sangat penting untuk menyelenggarakan urusan pemerintahan dalam kerangka usaha mencapai tujuan nasional. Dalam pelaksanaan tugas tersebut sebagai aparatur negara harus memberikan pelayanan kepada masyarakat secara profesional, jujur, adil dan merata dalam penyelenggaraan tugas negara, pemerintahan dan pembangunan. ASN harus bersikap netral dari pengaruh semua golongan dan partai politik dan tidak diskriminatif dalam memberikan pelayanan kepada masyarakat. Pada tahun 2015, Kabupaten Sragen ikut serta dalam merayakan pesta demokrasi, yaitu pemilihan kepala daerah dan wakil kepala daerah secara serentak pada tanggal 9 Desember 2015. Panwaslu Kabupaten Sragen menemukan dan mendapatkan laporan ada banyak ASN yang tidak netral. Laporan Panwaslu sampai dengan KASN dan ada beberapa kasus yang dibiarkan tanpa tindak lanjut

penanganan dan seperti menguap begitu saja. Penelitian ini menggunakan metode penelitian kualitatif untuk mendapatkan fakta-fakta mengenai permasalahan netralitas ASN di Kabupaten Sragen pada pilkada serentak 2015. Unit analisis dalam penelitian ini adalah Panwaslu Kabupaten Sragen dan Badan Kepegawaian Pendidikan dan Pelatihan (BKPP) Kabupaten Sragen. Teknik pengumpulan data yang digunakan yaitu wawancara mendalam dan dokumentasi untuk melengkapi data dalam penelitian ini. Pelanggaran ASN terjadi sebelum masa kampanye, dan selama masa kampanye. Banyaknya ASN tidak netral dengan hadir dalam kampanye, dan kegiatan tahapan lainnya, serta pemberian bahan kampanye dengan menggunakan fasilitas negara seperti gedung kantor dan kendaraan dinas ASN. Tentu keterlibatan dan keberpihakan ASN di pilkada 2015 ini dikarenakan adanya calon incumbent. Pemerintah Kabupaten Sragen yaitu Bupati Sragen seharusnya memberikan sanksi atau hukuman disiplin kepada ASN yang tidak netral sesuai dengan peraturan perundang-undangan yang ada. Bupati Sragen seharusnya lebih tegas dalam menanggapi kasus ASN yang tidak netral ini. Pengaturan hukum diperlukan untuk penanganan pelanggaran Netralitas ASN baik dalam Pemilu maupun Pilkada Serentak.

Kata Kunci: Netralitas ASN; Keterlibatan dan Keberpihakan ASN; Calon Petahana.

A. Introduction

The election of regional heads as an electoral regime based on the Constitutional Court's decision number 55/PUU-XVIII/2019 can be formulated as a mechanism for delegating people's sovereignty. Elections also mean a tool for political change regarding the pattern and direction of public policy and or regarding elite circulation, which is carried out periodically and in an orderly manner. Elections with integrity are elections that can run fairly and honestly (fair play) by always maintaining the neutrality of the State Civil Apparatus (ASN). (Ramlan Surbakti, 2008)

The strategic role of ASN in implementing public service policies is the key to the success of sustainable development. The prerequisite for achieving this is the presence of a professional ASN. Professional is "A vocation or occupation requiring advanced training in some liberal *artorscience* and usually involving mental rather than normal work, as teaching, engineering, and writing." In order to realize work professionalism in the personnel aspect, a normative basis is formed by creating a binding force in the form of a merit system and the principle of neutrality of the State Civil Apparatus (ASN) through Law no. 5 of 2014 concerning ASN (ASN Law). (Tarmudji, 1994)

The case of ASN's neutrality in politics is certainly not the first time this has occurred in the Regional Head Election. ASN has a strategic position in organizing elections. This can result in the unfairness of candidates who have power (incumbent) with candidates who do not have power relations. The case of non-neutrality of ASN in the 2015 Simultaneous Regional Elections (Pilkada serentak) was also found in Sragen Regency. The Sragen Regency, which participated in the democratic party for the election of the Regent, also received the spotlight from the public and the Sragen Panwaslu (Election Supervisory Committee).

The 2010-2015 Regent of Sragen was occupied by Agus Faturachman, the previous Deputy Regent, Untung Wiyono. And at the end of 2015, right in the year, the legislation regarding regional head elections was issued; Agus Faturachman ran for re-election (incumbent) in this simultaneous regional election, paired with Joko Suprpto. Meanwhile, from the other side, there are 3 (three) other Candidate Pairs. What is in the public's spotlight is the complaint to the Indonesian Ombudsman Representative of Central Java related to the neutrality of the ASN. The existence of ASN, who was also present at the declaration of the candidacy of the candidate pairs for Regent and deputy

regent, and the campaign in the Sragen Nglorog Field was confirmed by the Sragen Panwaslu.

The Chairperson of the Election Oversight Committee (Panwaslu) of Sragen has found evidence of dozens of government officials in Sragen Regency. They are suspected of not being neutral in the Pilkada. They occupy various positions, and the Panwaslu has evidence of non-neutral ASN testimonies and photos. Several ASN who were found non-neutral by Panwaslu have been reported to Bawaslu (Election Supervisory Agency) and coordinated with the Ombudsman of the Central Java Representative, which will then be submitted to the Minister of State Apparatus Empowerment and Bureaucratic Reform.

The neutrality of this ASN certainly has an impact or result that may benefit one party. (Sanusi & Utomo, 2020) The neutrality of ASN, especially in Sragen Regency, can lead to things that are first, the task of ASN is to provide services to the community, which is the main task of bureaucrats. As a result of the absence of neutrality from ASN in providing services, they tend to be very kind to the candidates they support. Or result in the lack of justice in providing services. Of course, this clearly violates the principles of justice and equality in providing services or from the non-neutrality of this ASN, causing them not working professionally when the candidate he supports does administrative work in the bureaucracy. Second, the neutrality of ASN is the existence of promotions or promotions to those ASN who support regional heads during the elections. Before the election was held, something had been promised. Or there is reciprocity, and this is not something new anymore. Third, the result of this non-neutral ASN is also due to the incumbent candidate. As explained above, in the simultaneous regional election, Sragen Regency has 4 (four) pairs of regional head candidates, one of whom is an incumbent candidate. The existence of this incumbent candidate makes it easier for the candidate in the campaign, and there is an opportunity to win in the election. The campaign is carried out to people in the environment where the incumbent candidate works. This incumbent candidate is also the one who is closer in position to the ASN. This also makes it easy for ASN neutrality to be disturbed. It is reported that non-neutral ASN in Sragen also attended the nomination ceremony for Agus Faturahman, even though the final result of the 2015 simultaneous regional head elections was won by the pair Yuni Sukowati and Dedy Endaryanto. Fourth, from the non-neutrality of ASN, sanctions are given according to existing regulations, namely moderate disciplinary penalties, severe disciplinary penalties, or even being dismissed with respect or disrespect. What happened in Sragen Regency was that the Panwaslu and the Indonesian Ombudsman representing Central Java requested that the Sragen Regency Government immediately impose sanctions on ASN who were not neutral. (Dharmaningtias, 2020)

Violations committed by Sragen ASN, who attended the nomination ceremony for one of the regional head candidates, violated Law Number 5 of 2014 concerning ASN and broke Government Regulation 53 of 2010 concerning Civil Servant Discipline, where ASN should be neutral and remain professional in simultaneous regional elections. ASN who are not neutral should be given sanctions according to existing regulations. As explained above, the ASN's neutrality in the regional elections will benefit the incumbent candidate whose position is very close to the bureaucrats. Thus the incumbent candidate may get more votes than his opponent in this simultaneous regional election. There is an opportunity before it is time to campaign. The incumbent candidate has already done a campaign in his working environment. The existence of an

incumbent candidate can disrupt the neutrality of the ASN. Based on the above background, the formulation of the problem proposed by the researcher is how the neutrality of the State Civil Apparatus (ASN) in the Simultaneous General Election of Regional Heads in Sragen Regency and the legal arrangements for enforcing violations of ASN neutrality is required.

B. Research Method

This research uses a normative legal research method with a qualitative descriptive research type. In normative legal research, library materials are basic materials which in research science are generally called secondary legal materials (Soerjono Soekanto dan Sri Mamudji, 2015) which consist of primary legal material, which is authoritative legal material, meaning that it has authority such as laws and other regulatory regulations, then legal materials that are helpful or support primary legal materials that strengthen the explanations in it such as books, theses or journals, then tertiary legal materials as a guide or description of primary and secondary legal materials such as legal dictionaries and encyclopedias. In answering the problems raised. The author uses a qualitative approach by conducting a literature study of various relevant sources. The author conducts an in-depth analysis of various cases of ASN neutrality that occurred and then *juxtaposed* it with the essence of applicable legal norms and theoretical studies obtained from various works of literature. The method used in data analysis is qualitative descriptive, describing quality data in the form of regular, logical, and practical sentences to answer existing problems and draw conclusions. (Abdulkadir Muhammad, 2004)

C. Discussion

1. Involvement of the State Civil Apparatus (ASN) in the 2015 Simultaneous Regional Elections

According to the Big Indonesian Dictionary (KBBI), the definition of neutrality is a neutral state and attitude in the sense of being impartial or free. ASN neutrality implies impartiality, namely free of interest, free of intervention, free of influence, fair, objective, and impartial. (Perdana, 2019) Meanwhile, another definition of neutrality is the freedom of Civil Servants from the impact of the interests of certain political parties or not taking sides for the interests of certain political parties, or not playing a role in the political process. Associated with the neutrality of the bureaucracy, it is stated that the neutrality of the bureaucracy places the government as a public service provider that is not influenced by political forces. The neutrality of the bureaucracy is vital to provide services to the community effectively and efficiently. Experts have long debated the concept of bureaucratic neutrality. A clear line has separated the two groups regarding the neutrality of the bureaucracy in politics and the bureaucracy in favor of the dominant power. (Martini, 2016)

ASN is still expected to be able to act independently and professionally in carrying out its functions. In addition, a neutral and professional ASN is an essential prerequisite for the implementation of a democratic political process for the State Civil Apparatus (ASN), which is regulated in Law No. 1 of 2015 and has undergone two changes, namely Law No. 8 of 2015 as the first change and Law number 10 of 2016 as the second amendment. Still, the regulation on the neutrality of ASN has not changed significantly. (Mokoagow, 2016)

Law Number 5 of 2014 concerning State Civil Apparatus (ASN Law) does not include the offense of violating the neutrality of ASN in the *nomenclature* of prohibition but is regulated in principles and obligations. However, principles and obligations can also be interpreted as prohibitions because anyone subject to certain obligations is also subject to prohibition or to comply with these obligations. Apart from not formulating the prohibition offense, the ASN Law is also not very detailed in developing the principles and obligations that bind ASN. The formulation of violations in the ASN Law is still very general and requires details from its derivative regulations. Therefore the author invites the reader to look at derivative regulations, including Government Regulation Number 53 of 2010 concerning Civil Servant Discipline, Government Regulation Number 42 of 2004 concerning Corps Mental Development and Code of Ethics for Civil Servants, and other derivative regulations issued by the government, the President or by ministries. (Mat Zudi, Arief Hidayat, 2021)

The offense of violating the neutrality of ASN in the Election (Pilkada) regulated in the Act can be found in Article 70 of Law no. 1/2015. However, the prohibition is addressed to the candidate, not the ASN directly, so if you use this article, it is the candidate, not the ASN, that needs to be dealt with. Several regulations regarding violations of ASN neutrality: (Budiono, 2019)

- a) Law number 1 of 2015 Article 71 reads, “State Officials, State Civil Apparatus Officials, and Village Heads or other designations/Lurah are prohibited from Making Decisions and/or Actions that are Beneficial or Harmful to One of the Candidates during the Campaign period.” This article clearly states that ASN is a legal subject prohibited from making decisions and/or actions that are beneficial or detrimental to one of the candidates during the campaign period. All ASN actions, whether in the form of policies (policies/decisions) or concrete actions (material *eledaad*) that can benefit or harm one of the candidates during the campaign period, constitute an election violation offense. In the formulation of the offense as referred to in Article 71 above, the offense is limited by a time limit, which is only during the campaign period. This means that ASN actions in making decisions (policy) and concrete actions that benefit or harm one of the candidates outside the campaign period are not considered a violation of neutrality.
- b) Articles 188 and 189 of Law Number 1/2015, this article regulates the threat of criminal sanctions whose offenses still refer to articles 70 and/or 71, as explained above. In addition to the threat of criminal sanctions, violations of the provisions of articles 70 and/or 71 are also threatened with administrative sanctions in the form of cancellation of the candidate. Therefore, according to the author, the imposition of criminal sanctions is *ultimum remedium* or the last alternative sanction after the administrative sanctions are imposed first. Article 2 letter f of Law no. 5 of 2014 concerning the State Civil Apparatus, “every ASN employee does not take sides and any form of influence and does not take sides with anyone’s interests.”
- c) Article 5 paragraph (2) letter h of Law no. 5 of 2014 concerning State Civil Apparatus, “ASN employees guard against conflicts of interest in carrying out their duties.”

- d) Article 9, paragraph (2) of Law no. 5 of 2014, “ASN employees are free from the influence and intervention of all political groups and parties.”
- e) Article 4 Government Regulation 53/2010 expressly prohibits civil servants from providing support to candidates for Regional Head/Deputy Regional Head through:
 - 1. Engage in campaign activities to support candidates for Regional Head/Deputy Regional Head;
 - 2. Using facilities related to positions in campaign activities;
 - 3. Making decisions and/or actions that are beneficial or detrimental to one of the pairs of candidates during the campaign period; and/or
 - 4. Conducting activities that lead to the alignment of candidate pairs participating in the General Election before, during, and after the campaign period, including meetings, invitations, appeals, calls, or giving goods to civil servants within their work units, family members, and the community.
- f) Article 11, letter C of Government Regulation Number 42 of 2004 also instructs civil servants to avoid conflicts of personal, group, or class interests.
- g) Circular of the Minister of Administrative Reform and Bureaucratic Reform (MENPANRB) numbered B/71/M.SM.00.00/2017 in the form of a prohibition on taking actions that lead to the partiality of one of the candidates or actions that indicate involvement in practical politics/affiliated with a political party, such as:
 - 1. Civil servants are prohibited from approaching political parties regarding plans for nominating themselves or others as candidates for regional head/deputy regional head.
 - 2. Civil servants are prohibited from putting up banners/billboards promoting themselves or others as candidates for regional head/deputy regional head.
 - 3. Civil servants are prohibited from declaring themselves as candidates for regional head/deputy regional head.
 - 4. Civil servants are prohibited from attending the declaration of prospective pairs of candidates for regional head/deputy regional heads with or without using attributes of future pairs of candidates/attributes of political parties.
 - 5. Civil servants are prohibited from uploading, responding (such as likes, comments, and others), or disseminating pictures/photos of prospective regional head candidates through online media or social media.
 - 6. Civil servants are prohibited from taking photos together with prospective regional heads/deputy regional heads by following the hand symbols/movements used as a form of partisanship.
 - 7. Civil servants are prohibited from being speakers/resource persons at political party meetings.

As described in the provisions in the SE MENPAN.RB (Circular of the Minister of Administrative Reform and Bureaucratic Reform) above, there are only examples of actions that lead to siding with election participants or indicate involvement in practical politics/affiliation with political parties. It is possible that in the field, there are other actions outside of points a to g, as stated in the above

Circular Letter. However, Perbawaslu Number 6 of 2018 also provides criteria for actions that lead to partiality, which include: meetings, invitations, appeals, calls, or giving goods to ASN employees, TNI members (army), and POLRI members (police) within the work unit, family, and society. So that the two legal bases above can be used as a reference in identifying the offense of violating the neutrality of ASN. (Yamin, 2013)

2. Violation of ASN Neutrality in Sragen Election 2015:

- a. The involvement of ASN becomes a candidate's victorious team in the campaign. The presence of ASN in the declaration of victory with the success team of one of the candidates is a form of the ASN's alignment with one of the candidates. Because as explained above, there was an invitation from one of the candidates to the head of the SKPD. Not for being a successful team. Even so, this ASN has violated the applicable laws and regulations. Considering that what ASN has done is its involvement in the realm of politics and is a form of siding with one of the candidates, namely the incumbent. Because they do not have evidence, Panwaslu, the supervisory committee that also received this report, cannot follow up on this case. It's just that it is still an alleged violation with no evidence. The head of BKPP, who was present at the declaration of victory, an activity of the incumbent candidate's success team, had entered the campaign period. According to the rules, it is clear that the head of the Sragen Regency BKPP has violated the applicable rules and should receive a disciplinary punishment according to Government Regulation No. 53 of 2010.
- b. ASN involvement as campaign participants by using party attributes or ASN attributes. The presence of several ASN in the declaration of candidacy in the Nglorog Sragen field was not a campaign period. And ASN who attended this event did not use party or PNS attributes. However, the presence of some ASN has certainly blamed the existing regulations. This event is more political. And indeed, the official invitation given in writing is also a nomination ceremony from a political party, one of the candidate candidates, namely the incumbent candidate. They know this violated their code of ethics as civil servants or ASN. Even though there was an official invitation, the event was still political. Of course, when attending the declaration event, the ASN did not use the ASN or PNS attribute because it coincided with a Sunday. The mindset about ASN only during office hours is a wrong understanding because before retirement, and they are still ASN.
- c. The involvement of ASN as campaign participants by mobilizing others ASN ASN is due to an official invitation from a political party. Not because of an invitation or direction from another ASN. The official invitation was intended for the head of the SKPD and village officials such as the sub-district head.
- d. ASN involvement as participants by using state facilities.
- e. The findings of the Panwaslu's arrest of hundreds of necessities at the sub-district office are suspected to be distributed as candidate campaign materials. And this case was decided by the court with a punishment in the Sragen District Court.

3. The partisanship of the State Civil Apparatus (ASN) Against One of the Candidates for the 2015 Simultaneous Regional Head Elections

- a. Assisting in making decisions and/or actions that benefit one of the pairs of candidates for regional head/deputy regional head.
- b. Conducting activities that lead to alignments with one of the candidates before, during, and after the campaign period.
- c. Visiting and attending cadre strengthening events at the homes of the candidate pairs

Dengan adanya beberapa kasus diatas perlu kebijakan adanya pola pengaturan hokum penanganan pegekkan pelanggaran netralitas ASN dalam pemilu yang disusun secara terintergritas.

4. Kewenangan Bawaslu sebagai Lembaga Pengawas Pemilu

The authority in law enforcement is the domain of procedural law (formal law). Therefore the regulation is more regulated by the institutions that carry it out if Bawaslu means Bawaslu itself regulates it through Bawaslu Regulations (Perbawaslu) but still refers to the Act as a legal umbrella that provides authority purely (attributive). Law No. 1 of 2015 regulates and divides the functions of Bawaslu by using the dictions of duties, authorities, and obligations. In fact, the three dictions in the administrative law review have the same meaning as an authority. However, the author believes that all three have different philosophical implications; administratively juridical, all three have the same authority. (Abidin et al., 2020)

This authority is regulated in Articles 28 and 29 for Provincial Bawaslu and Articles 30, 31, and 32 for Regency/City Panwas (Supervisory Committee). In Article 28 of Law Number 1 of 2015, points e and i, the Provincial Bawaslu has the authority to forward findings and reports that are not within its jurisdiction to the competent authority and carry out other duties and powers given by laws and regulations. Meanwhile, in Article 29 point f of Law Number 1 of 2015, the Provincial Bawaslu carries out other obligations following the provisions of the legislation. Likewise, Regency/City Bawaslu has the authority as stated in Article 30 points e and I and Article 32 point f. (Putra, 2020)

The organizing agency did not use the provisions in the Articles of the Pilkada Law because, at that time, a judicial review was still being carried out at the Constitutional Court. Still, we used Law Number 7 of 2017 concerning Elections with the assumption that the election organizers only consisted of one specialized organizing agency, the KPU, and one supervisory agency, namely Bawaslu, and one ethical supervisory agency, namely DKPP, as stated in Article 22E of the 1945 Constitution of the Republic of Indonesia, which later gained legitimacy through the consideration of the Constitutional Court judge in the decision numbered 072-073/PUU-II/2004. Thus, it means that we refer to provisions 93 to 104. In this case, the author focuses on the authority of the Provincial and Regency/City Bawaslu.

The Pilkada Law, article 99 point h also authorizes the Provincial Bawaslu to carry out other authorities under the provisions of the legislation, while Article 100 point f Bawaslu is obliged to carry out other obligations following the provisions of the legislation. Likewise, Regency/City Bawaslu has the same authority as the Provincial Bawaslu authority above, which is regulated in Article 103 point h and Article 104 point g.

Referring to the legal basis above, both the Election Law and the Election Law both give attribution of authority to Bawaslu, Provincial Bawaslu, and Regency/City Bawaslu to carry out other powers granted by laws and regulations so that it has the authority to follow up findings on the neutrality of ASN if the offense is regulated in other laws and regulations outside the electoral/election legislation.

Another review regarding the authority of Bawaslu in dealing with the neutrality of ASN can be seen from the formal legal aspects (procedural law) and the supervisory function of Bawaslu. In this regard, Perbawaslu Number 6 of 2018 and Perbawaslu Number 14 of 2017 can be used as references. In article 3 of Perbawaslu Number 6 of 2018, there is a provision that reads: “The neutrality of ASN Employees, TNI Members, and POLRI Members can become objects of supervision of Bawaslu, Provincial Bawaslu, and Regency/City Bawaslu if the actions of ASN Employees, TNI Members, and Polri Members have the potential to violate provisions as regulated in the provisions of the laws and regulations regarding Elections as well as violating the code of ethics and/or discipline of each institution.” (Ibrahim et al., 2021)

Observing the sound of this article, it is also necessary to know that Bawaslu functions not only as a law enforcer but also as an election supervisor, monitoring the neutrality of ASN, TNI, and Polri. On that basis, Bawaslu’s authority in dealing with ASN neutrality is not only in the context of law enforcement *ansich (pro justitia)* but also in the context of supervising or, in other words, the entrance to Bawaslu’s authority in dealing with ASN neutrality can be through the supervisory function. It can also be through the law enforcement function. Because these two functions overlap in Bawaslu, the authority of Bawaslu is expanded in dealing with the neutrality of ASN. On this basis, the time limit given in Article 71 of Law 1/2015 above does not correlate with the authority of Bawaslu. Still, it only regulates the formulation of the offense when the alleged article refers to Article 71.

Based on the above, Bawaslu can actively carry out supervisory work as regulated in Perbawaslu 6/2018, which includes:

1. Identification of potential abuse of authority, use of budget, and use of facilities;
2. Identification of possible involvement of ASN employees, TNI members, and Polri members;
3. Coordination with the Indonesian National Armed Forces and the Indonesian National Police in stages, as well as KASN; and
4. Cooperation with election observers, the mass media, and the public to monitor.

The results of supervisory work can be in the form of findings as an entry point for law enforcement (*pro justitia*) because apart from findings, there are other sources that Bawaslu can use to carry out *pro justitia*, namely reports.

In conducting a study of the findings or reports, Bawaslu is also authorized to request the presence of the reporter, the reported party, the alleged perpetrator of the violation, witnesses to be clarified, or an expert to testify under oath. The results of the study can be in the form of the following: Violations of the neutrality of ASN specified in the Election Law, Violations of ASN neutrality determined by legislation outside the election, and not violations of ASN neutrality.

ASN neutrality violations that violate the Election Law are recommended to the KPU or the police if they are criminal election violations. In contrast, the handling process is terminated if the study results do not find violations of ASN neutrality (Article 32 Perbawaslu Number 14 of 2017).

D. Closing

ASN who are not neutral in Sragen Regency does not understand that the principle of neutrality must be maintained even though it has not yet entered the campaign period. According to the rules, ASN must remain neutral both before the campaign period, during, and after the campaign period. The finding from Panwaslu of Sragen Regency with the number of non-neutral ASNs occurred both before entering the campaign period and during the campaign period. The violations committed by ASN are attending the declaration of candidate support, campaigning, providing necessities, being present as campaign participants, and strengthening cadres. After conducting research and analysis of the research results and providing conclusions, the following suggestions can be recommended so that the Regional Head General Election Supervisory Committee should be more intense in supervising the State Civil Apparatus (ASN) in Sragen Regency. Second, the Sragen Regency Government, namely the Sragen Regent, must give strict sanctions according to the existing rules to non-neutral ASN so as not to do the same thing again. Third, ASN in Sragen Regency must better understand the ASN law, elections, and civil servant discipline. Fourth, the Head of the BKPP and the Head of the Inspectorate should maintain neutrality and not be influenced by politics. And finally, there is a need for a pattern of handling legal arrangements for enforcing violations of ASN neutrality in the General Election and Regional Head Elections that is integrated between the staffing officers, the Civil Service Agency, KASN, and the Election Organizing Institution.

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