Pilkada and the Challenge of "Bureaucratic Neutrality"



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On July 4, 2024, the Assistant Deputy for Politics, Law and Regional Autonomy of the Vice-President Secretariat held a limited discussion titled "Exploring Preparations for the 2024 Simultaneous Regional Head Elections (*Pilkada*)". One of the crucial issues highlighted In the discussion was *bureaucratic neutrality*.

Bureaucratic neutrality signifies that a bureaucratic apparatus should be free from the influence of political parties' interests, must not take sides in parties' interests, and refrain from playing any role in the political process. In another sense, *neutrality* means that any bureaucratic apparatus actively working as an administrator in a political party or becoming a legislative member must resign.

Hence, government bureaucracy can remain stable and play a role in supporting and realizing the policies or political will of whoever is in power in government (Marbun, 1998).

Miftah Thoha (2008) stated that bureaucratic neutrality towards political influence and intervention should not be taken lightly. A bureaucracy in power should not take sides or be deliberately made to side with one political power or political party. If the bureaucracy stays neutral, then the people as a whole will be served well. In other words, the bureaucracy must not prioritize or side with the interests of any particular group of people.

Therefore, bureaucracy are prohibited from becoming political party members and/or administrators, in order to maintain the neutrality of the bureaucracy from the influence of political parties, and to ensure the integrity, cohesiveness and unity of the bureaucracy itself, as well as being able to focus all attention, thoughts and energy on the tasks assigned (Thoha, 2008).

Sirat (2022) conveyed how there are at least two forms of bureaucratic involvement in practical politics, which tend to interfere with its independence and neutrality in elections. First, a bureaucracy openly or secretly becomes a supporter (success team) for regional head candidates in *Pilkada*. Second, a bureaucracy participates in campaigning, to support certain political candidates. The participation of bureaucratic apparatus in elections has been documented in several reports received by the Civil Service Commission (KASN).

KASN data lists a number of alleged violations of civil servant neutrality in the 2015 regional elections: 25 reports; in 2016, there were 54 reports, while in 2017, there were 38 reports (Complaints and Investigation Division Report of KASN, 2017). Meanwhile, in the 2020 Simultaneous Pilkada, there were 1,398 cases forwarded to KASN (*Bawaslu* Website, 27/9/2022). This shows that violations related to bureaucratic neutrality are on a rise, as can be seen from the number of reports received during the *Pilkada*.

There are a number of statutory regulations in place to enforce bureaucratic neutrality, including State Civil Apparatus Law 5/2014 and Law 1/2015 concerning the Establishment of Government Regulations in Lieu of Law 1/2014 concerning the Election of Governors, Regents and Mayors (*Pilkada* Law) and its amendments.

Furthermore, Government Regulation 42/2004 regulates the Development of Corps Spirit and the Code of Ethics for Civil Servants, while Government Regulation 53/2010 rules Civil Servant Discipline. Government Regulation 49/2018 guides PPPK Management, and Government Regulation 94/2021 regulates Civil Servant Discipline. In the 2024 general election, the Government even issued a Joint Decree (SKB) concerning Guidelines for the Development and Supervision of Neutrality for Civil Servants in implementing General Elections and Elections.

The decree was signed by Administrative and Bureaucratic Reform (PANRB) Minister Abdullah Azwar Anas, Home Affairs Minister Tito Karnavian, Acting Head of the National Civil Service Agency (BKN) Bima Haria Wibisana, Chairman of KASN Agus Pramusinto and Chairman of the Election Supervisory Agency (*Bawaslu*) Rahmat Bagja. However, having the above regulations does not necessarily mean that violations of bureaucratic neutrality in the *Pilkada* will cease.

With these conditions, it can be concluded that efforts to maintain bureaucratic neutrality have been attempted by issuing several regulations. However, these regulations have not worked optimally, as can be confirmed by the many violations of bureaucratic neutrality discovered by *Bawaslu* and reported to KASN in several previous *Pilkada*. Therefore, there should be policy recommendations that can maintain bureaucratic neutrality, especially in the upcoming 2024 Pilkada.

First, Bawaslu, PANRB Ministry, Home Affairs Ministry and KASN must be encouraged to increase indoctrination of bureaucratic officials about the importance of neutrality in the 2024 elections, especially during the campaign period.

Second, the Home Affairs Ministry, PANRB Ministry, and KASN must be encouraged to implement severe sanctions for bureaucratic officials who have been proven to have violated neutrality rules during the 2024 election campaign or in other contexts.

Information dissemination of policies related to the neutrality of the state apparatus, followed by a sanction regulation and its application in a standardized, transparent, and firm manner, in accordance with applicable laws and regulations, is critical to provide legal certainty regarding violations of bureaucratic neutrality.

Third, *Bawaslu*, from central to regional levels, must be encouraged to increase oversight of bureaucratic neutrality during the *Pilkada* stages, especially during the campaign period. This monitoring must also be carried out in collaboration with civil society groups and mass media.