

The Neutrality Crisis Of The State Civil Apparatus: Practical Politics Unethic Public Bureaucrats

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ABSTRACT

This study aims to analyze the State Civil Apparatus (SCA) neutrality violations and various efforts to reduce it neutrality. A qualitative descriptive method was used and data was collected through a literature study that reviewed cases in 2020. The results showed that the neutrality violations later became a problem that causes discontinuity and disharmony within the SCA. Commonly, the violation form is encountered through indirect campaigns on social media. The SCA neutrality violations are mostly caused due to the motive of getting a higher position. In conclusion, the government establishes the State Civil Apparatus Commission (SCAC) and the merit system to solve the SCA problem.

Keywords: State Civil Apparatus, Neutrality, Bureaucracy

Introduction

The State Civil Apparatus (SCA) are public services meant to assist the government in carrying out its duties to serve the community. The SCA is bound by regulations known as the code of ethics. Basically, the SCA is a citizen of a particular country having the right to freedom of association and assembly as well as political life. They are free to have political beliefs but this becomes a dilemma between personal rights and the exercise of neutrality.

The SCA is required to always maintain neutrality in politics. This shows they need to be free from all political influence and intervention (Alamsyah, *et al*, 2015). Furthermore, the SCA is required to maintain neutrality to serve, regulate, and empower the community to realize prosperity.

The SCA help in providing public servants to serve the nation and state (Putri & Yusa, 2016; Herman, 2008). SCA is the government's front line in public activities and their main task is organizing a particular community based on applicable regulations or laws. Furthermore, they are professional that assists in unifying and providing an adhesive framework for the state. The SCA is expected to have professionalism, qualified expertise, and maintain integrity as a public servant. All their behavior and actions are regulated through a staffing code of ethics.

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The SCA is required to maintain neutrality regardless of their level, rank, and position. However, there are various violations and cases concerning the SCA neutrality and its involvement in politics. These violations take the form of registering a political party or conducting open campaigns through the media. Political parties use this to win the organization concerned with promises of higher positions for a particular group's benefit. Comparatively, the government needs to be at the forefront of public services that use ethics and justice in serving the community.

The neutrality of the SCA indicates that the apparatus does not passively and actively participate in every local, legislative, and presidential election agenda. According to language, neutrality is the act of not taking sides and not following one party. The SCA neutrality relates to good governance on the characteristics of the World Bank including:

- a) predictable, open, and enlightened policy-making,
- b) a bureaucracy based on a professional ethos that acts to advance the public interest,
- c) the rule of law, and
- d) transparent process and strong civil society participation in public affairs.

Neutrality is an impartial or free attitude that a person possesses when he is not under the influence of a party. It is necessary for the government because public service implementation is not affected by political flows and leadership changes (Lestari & Agung, 2020). Neutrality is needed to create a stable bureaucratic climate and ensure it is not affected by the intervention. Therefore, the SCA neutrality protects them from mere political interests and the Corruption Collusion Nepotism (CCN) culture that has been rooted and passed down from generation (Hatta, *et al*, 2020).

This neutrality is a rule that limits practical political involvement because the apparatus is a public servant. It shows that the SCA still have the right to vote but they are free from intervention in the interests of political parties (Perdana, 2019).

Furthermore, the SCA's neutrality prohibited them from being active board members of a political party (Abdullah, 2018). This makes the apparatus stable in realizing its policies without being bound by the interests of any political party.

Neutrality is one of the efforts to reform the bureaucracy. Therefore, there are no facilities misused for certain political interests as happened during the New Order era. The enactment of regulations helps in forming the SCA neutrality rule. This is because regulations are made to enforce aspects of justice, legal interests, and legal certainty for policy objects. Also, they are made

through the development of social interests since every change that exists is a consequence of the times' demands.

According to Law Number 5 of 2014 concerning State Civil Apparatus, neutrality brings about the implementation of the SCA policies and management. This shows that each apparatus needs to show a neutral attitude and be free from any political influences. Furthermore, they need to be free from the influence and intervention of all interest groups as well as political parties.

The regulation also explains that the SCA serves as a planner, implementer, and supervisor of government tasks as well as national development through policies. This public service needs to be free from political intervention and practices of corruption, collusion, as well as nepotism. From a legal basis, there are no deviations that are detrimental to the government and the SCA performance.

Neutrality brings about the implementation of the policies and management. This shows that the Indonesian apparatus is prohibited to side with anyone's influence or interests (Sanjaya, *et al*, 2020). Neutrality is an attitude that is not in favor of anything and it becomes the big problem facing this country. Theoretically, it is difficult to find a basis that can justify the SCA's possibility of being involved in political activities (Marbun and Mahfud, 1987: 69).

SCA need to maintain a professional attitude and have integrity in carrying out their duties and functions. Public service tends to be disrupted when they are involved in political activities. Practically, the SCA neutrality cases are in the spotlight and this causes politicization to become a community problem.

The public service that interferes with political affairs makes deviation from neutrality to become a common mistake. However, it is not a new mindset that the SCA obtain a good position only when they side with one political party. According to the State Civil Apparatus Commission (SCAC) and the General Election Supervisory Agency, there were at least 412 and 917 complaints of the SCA neutrality violations in 2019 and 2020 respectively. This shows the government needs to follow up on this to realize a clean public service.

Furthermore, the public service is expected to be clean and not politicized by an unauthorized party for personal gain. The SCA neutrality is needed because it is a system that allows their quality to remain despite having a change of leadership.

Therefore, it is necessary to reform the public service. This reform has a target that includes realizing a clean and free government from Corruption, Collusion, and Nepotism, as well as

increasing accountability, and organizational capacity. Furthermore, it needs to be a concern for the government to package a clean public service without any political intervention. This is because the political parties' penetration causes discontinuity and power division. It also causes chaos and encourages internal conflicts within the public service. This shows that the SCA neutrality case needs to be addressed by the government.

The SCA is a profession for public servants and Government Employees under the Work Agreement (GEWA). Public servants are Indonesian residents appointed permanently to occupy positions in a government institution. Meanwhile, GEWA is those appointed based on a work agreement to carry out government duties for a specified period.

Regulation serves as one of the legal foundations because it explains all basic things regarding the SCA. This law also protects them from deviations that tend to occur. The enactment of regulation becomes a basis for obtaining quality and professional SCA. This law appears as a guide to behave and act as the apparatus.

According to the legal perspective, the relationship between the SCA and the government has been confirmed by the public service which is regarded as an obligation to comply with the community. Therefore, the government has the right to place apparatuses in any position without adjusting their will. The Contract Sui Generis theory (Simatupang, 2022) shows that the public service needs to obey and show their loyalty to the state. According to this theory, the SCA failed to fully exercise fundamental human rights while carrying out its duties. In the context of neutrality, human rights cannot be fully implemented as political rights.

The *Contract Sui Generis* theory was proposed by Buys that the SCA need to be loyal and obedient as long as their status is still public servants. Therefore, the apparatus cannot fully obtain human rights while performing its duties. The SCA prohibition from politics is not a human rights violation but a consequence of the *Contract Sui Generis* relationship.

Darmawan (2021) examined the rationale of the SCA which need to maintain a neutral attitude toward political activities. The results showed that implementing the SCA neutrality was not optimal through the policy. Furthermore, candidates for the election of regional heads are required to be committed to optimally creating public services because they act as staff coaches. Regional heads have the authority to carry out transfers and promotions of officials based on the apparatus reform. This shows that the apparatus placement need not be following competence and expertise due to political affinity.

Khan. (2021) examined the causes of the SCA neutrality in the 2020 local election at Indragiri Hulu Regency. The study showed that the apparatus become a tool of certain political forces in the Kuansing, Rokan Hulu, Rokan Hilir, and Bengkalis. This is because the majority of the SCA support certain candidates but does not dare to declare their direct involvement. The regency indirectly feels the lack of neutrality since the competent apparatus is removed or dismissed. Contrastly, those who are less competent tends to take higher positions.

Moreover, Hilmi (2020) examined the SCA neutrality and the legal consequences of the presidential election. This study showed that the general election principle is implemented through the apparatus' neutrality. The SCA is not allowed to support candidates because it is a violation of election rules and regulations. According to the violation level, the legal consequences for un-neutral apparatus can be processed through General Election Supervisory Agency. This shows the SCA tends to receive administrative sanctions from the leadership.

Darmawan examined the obligation to maintain a neutral attitude toward political activities. Meanwhile, Khan emphasized that the lack of SCA neutrality in the local and presidential elections was the sanction against its violators. This study aims to analyze the SCA neutrality violation and various efforts made to reduce it.

Method

This study used a qualitative descriptive method by reviewing the neutrality phenomenon in the community. Furthermore, it makes a descriptive and systematic text through facts analysis regarding the SCA neutrality, the effect of violating the neutrality principle, the neutrality violation, the influence of political intervention, as well as the efforts made to protect the apparatus from political intervention.

A descriptive analysis was used to factually, systematically, and accurately describe or explain the reality conditions regarding the nature, characteristics, and other influential factors. Data were collected through a focused literature study method. The method was supported by employing Law Number 5 of 2014 concerning the SCA, theories, and data obtained on the neutrality violation cases in 2019 and 2020.

Result and Discussion

SCA is a public servant who serves the community as a government front figure. In carrying out their duties, the SCA is bound by regulation. The apparatus need to comply with applicable

regulations by maintaining a code of ethics and moral integrity, commitment, as well as responsibility. Furthermore, they are required to maintain professionalism as a public service.

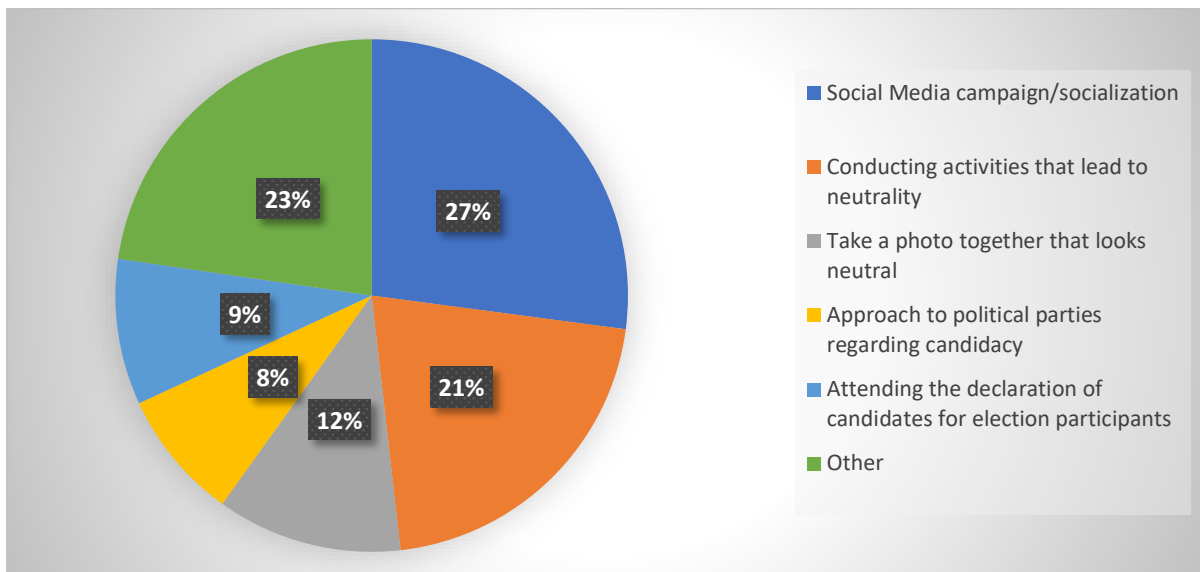
Neutrality Violation Condition of State Civil Apparatus

SCA works based on applicable principles including neutrality which protect and ensure that they do not take sides with any political group. The apparatus provides services that are free from intervention in the political parties interests. The SCA also has a role in planning, implementing, and supervising activities, as well as carrying out government duties and functions through policy. Therefore, they professionally serve the community and are free from the pressure of interests, as well as clean from corruption, collusion, and nepotism practices.

According to the State Civil Apparatus Commission (SCAC), the following are the SCA activities or behavior that can be interpreted as neutrality violations.

1. Directly or indirectly Campaign/socialization through media in the form of uploading, commenting, spreading, and liking the post of one political party.
2. Taking a group photo by posing a symbol indicating partisanship.
3. Becoming a resourceful person by performing activities unrelated to their duties and functions in a political party.
4. Declaring oneself as a political cadre without any left outside the state's responsibility.
5. Promote the banners of the candidate for the local election.
6. Using goods related to state positions for the candidate's benefit in conducting an activity.
7. Be part of the political campaign.
8. Participate in campaign activities that use the public servants' attributes or not.
9. Participate in campaign activities for husband/wife candidates without taking leave outside the state's responsibility.
10. Providing support to independent candidates.
11. Participate in campaign activities using government facilities.
12. Providing state facilities related to the position in campaign activities.
13. Making a decision that tends to give the candidate an advantage or disadvantage during the campaign.
14. Participate as a member or administrator of a political party.

Figure 1
Percentage of Neutrality Violations Types



Source: SCAC, 2020

The above figure shows that the SCA neutrality violations in the implementation of the local, legislature, and Presidential elections are around 27% and 8% in both social media campaigns and the approach to political parties related to candidacy. Based on the SCAC analysis on December 30, 2020, there were 1399 reports of neutrality violations. The following table shows the complete data.

Table 1
The SCA Neutrality Violation Report, 2020

No	Neutrality Reporting Progress	Total
1.	Apparatus Neutrality Violation Reporting	1399
2.	SCAC processed reports	1104
3.	Reports that are proven to be in violation	982
4.	Reports that are not proven to be in violation	122
5.	Reports subject to penalties	670

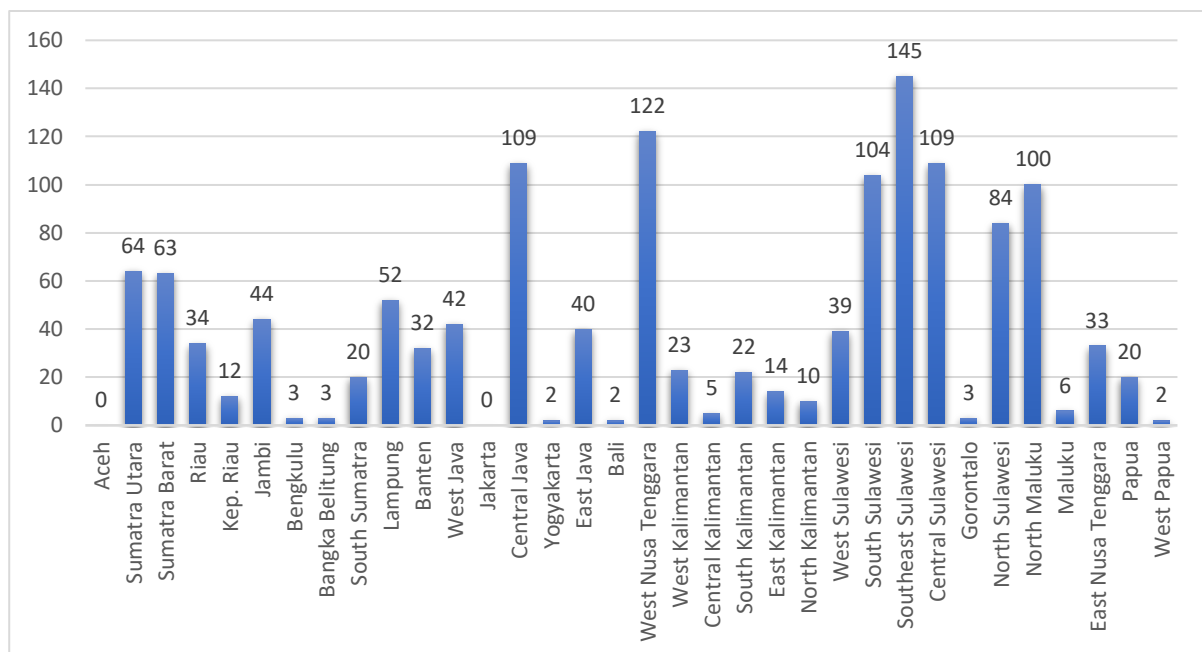
Source: SCAC, 2020

Based on the above table, a total of 1104 SCA cases have been processed but the SCAC reported about 1399 related to neutrality violations. A total of 982 or 88.9% of the SCA were

proven to have violated the concept of neutrality but the remaining 122 or 11.1% did not. From those numbers, there were about 670 or 68.2% of the SCA that have been penalized by the Commitment Making Official (CMO).

The most common violations in the form of campaigns/socialization are 27.1%, 21.1%, 11.7%, 9.2%, 8.2%, and 22.7% through social media, holding an activity that leads to candidate pairs, group photos to partially follow a symbol/pose, attending the candidate's declaration, approaching political parties regarding the nomination of regional candidates, and the committed violations in other forms respectively. Furthermore, the graph below shows the distribution.

Figure 2
Distribution of Neutrality Violations in Each Province



Source: SCAC, 2020

The results showed that the SCA neutrality violations were committed in the 2020 regional elections. From reports received by the SCAC, several regions dominated the occurrence of this violation. The most neutrality violations were committed in Southeast Sulawesi, West Nusa Tenggara, and Central Java and Central Sulawesi with 145, 122, and 109 case report respectively.

From the data obtained, the SCA politicization influence is still relatively high. This shows the government needs to seek a follow-up on the neutrality violation cases. The follow-up can be conducted by strengthening the SCAC in supervising and evaluating all types of violations. Furthermore, the government mandates SCAC to implement a violation monitoring system and

cooperate with other agencies in synchronizing data, monitoring actions, preventing, following up and reviewing the SCA neutrality.

Efforts to Reduce the Number of the Neutrality Violations of the State Civil Apparatus

The SCA are government officials who carry out their duties as public service providers. According to Law Number 5 of 2014, the SCA is civil servants appointed based on work agreements to perform government duties. Furthermore, they assigned other state functions due to the applicable laws and regulations.

The SCA needs to obey the applicable regulations based on the principles of professionalism, legal certainty, delegation, integration, proportionality, unity and integrity, effectiveness and efficiency, openness, accountability, justice and equality, non-discriminatory, neutrality, as well as welfare. Neutrality needs to be considered because it shows that the SCA is prohibited from taking sides with any political influence and interests. Article 9, paragraph (2) emphasized that the apparatus are expected to be free from the influence and intervention of all political groups and parties. Also, article 12 specified that SCA act as planners, implementers, and supervisors of government tasks and national development through policies and public services that are professional, free from political intervention, as well as corruption, collusion, and nepotism practices.

According to Law Number 5 of 2014 concerning SCA, neutrality is highly emphasized because it is important in public service implementation. This principle is needed since it makes public services remain stable despite changing the leader.

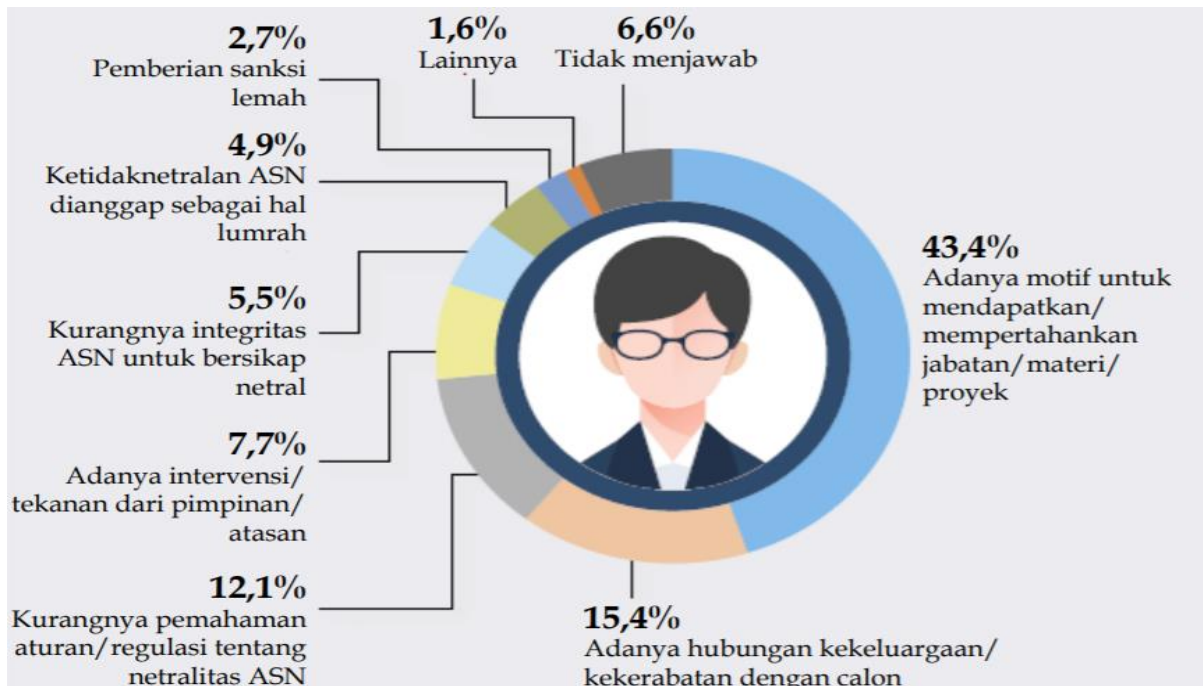
Neutrality is not only a momentary interest but a necessity for the current administration. The absence of this principle makes the SCA condition become falter because the administration is interfering with political interests.

Performance orientation is not to fulfill the interests of a few leaders but is oriented toward providing good community service. However, there are still several practices of neutrality violation. In 2020, there were still 1399 SCA reported for alleged cases. The SCAC handled about 1104 cases where 982 were proven to have committed violations.

This needs governmental concern because SCA neutrality is an aspiration for the country. The principle also becomes the reformation goal that the state has implemented. However, politicization tends to become common since the act of restoring a clean public service is certainly

a big homework for government administrators. The SCA's difficulty in carrying out neutrality is a problem.

Figure 3
Causes of the Neutrality Violation Causes of the State Civil Apparatus



Source: SCAC, 2018

The monotonous reason for the SCA to side with one political party is to keep their office, material life, or project. Almost half of the apparatus violated the neutrality principle because they want to obtain a higher position. It is no longer a public secret that the elected ruler or leader has full authority in selecting, determining, and replacing structural government officials.

Furthermore, the reshuffle of public servants by the newly elected regional head is not a new thing in various regions. It becomes a problem when the reshuffle is not based on the SCA's competence and performance since it is purely based on political interests. Finally, this is the reason public servants prefer to build political closeness rather than increase competence to support their careers.

The majority of the SCA are incompetent but they obtain higher positions than those with qualified abilities. In the end, the apparatus performance become chaotic because competence was felt to be no longer the main goal. The SCA still feels pressure from the leader in the form of demotion and mutation threats as well as the offer of higher positions. This pressure brings about the mindset of the SCA who do not fulfill their careers and tends to be threatened.

A leader or regional head is free to change and remodel the structural position through regulations. The SCA only runs under contract *sui generis*, indicating that they cannot fully implement human rights. It also shows that public service needs to be loyal and obedient to the power holder. However, the leader's right to transfer the apparatus can be deviation when the position is given to the wrong person. This violates the personnel management principle including "the right man in the right place". Moreover, establishing a program, policy, legal basis, or special institution is necessary to overcome the neutrality issues.

The State Civil Apparatus Commission (SCAC) is a special institution the government established to deal with the problems faced by the SCA. It is a non-structural institution that is independent and free from political intervention, as well as provides fairly services for the community. The SCAC ensures the merit system by realizing a professional, prosperous, and high-performing the SCA. Also, it functions as the unitary for the Republic of Indonesia and creates public servants who do not discriminate between the people they serve based on ethnicity, religion, race, and class. The SCAC help in ensuring that the SCA supports the implementation of an effective, efficient, and open state government, as well as free from corruption, collusion, and nepotism.

According to Putrianti *et al.* (2018), the SCAC is expected to become a trustworthy institution in establishing the SCA that is free from political intervention. This institution collaborates with other government agencies to investigate and handle neutrality violation cases. It has a future challenge in enforcing and dealing with SCA quality issues related to the crisis of political intervention, as well as the implementation of apparatus management. This challenge is required to be considered immediately to improve the governance quality by creating public servants with integrity, high performance, and professionalism.

The implementation of a merit system is one of the policies adopted to realize the SCA reform. This merit system is based on qualifications, competence, and performance that is carried out fairly regardless of race, religion, skin color, origin, political background, disability, age, gender, or marital status. Therefore, the policy is expected to help government agencies to be more effective, efficient, and productive in carrying out their duties.

The SCA is required to have adequate competence and high performance through the application of the merit system. This shows the policy ensures that a person's placement in a government position needs to concentrate on competence, performance, and a track record of integrity. The merit system help in achieving several challenges in implementing the SCA reform.

It is also expected to answer problems and create justice sense, as well as change the public's perspective in assessing corruption, collusion, and nepotism practices.

Conclusion

The case of the SCA neutrality violation is not new in the public bureaucracy. However, the political interests intervention seems natural and continues to be carried out to satisfy the power holders. A dirty and corrupt bureaucracy needs to be addressed to create a public service that is professional, integrated, and free from political interests. In the implementation of the bureaucracy, there are still several violations and irregularities committed by the SCA.

This neutrality violation majorly affects the bureaucracy because the existence of political intervention makes public services not to be optimal. The SCA is now "afraid" of the authority's threat that they will be demoted, transferred, or dismissed when failed to side with one political group. Therefore, public servants are more concerned with dominating political groups than professionally performing their duties and improving personal performance.

An effort including the establishment of the SCAC is needed to deal with SCA problems. It helps to establish a professional, neutral, high-performing, and fair public service in achieving good bureaucracy. In achieving this goal, the SCAC implements a policy called the merit system which is a competency-based and performance-based management regardless of race, origin, religion, skin color, disability, political background, age, marital status, or gender.

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