

THE PRINCIPLE OF ASN NEUTRALITY IN THE 2020 REGIONAL HEAD ELECTIONS: A CASE STUDY IN MAROS REGENCY

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Abstrak. *This study aims to examine and analyze the implementation, prevention, forms of violations, and factors influencing the ASN Neutrality principle in the 2020 Regional Head Elections in Maros Regency. This study uses empirical research methods. Primary data collection is done by direct interviews. The data obtained in this study were then analyzed qualitatively to analyze the problem and answer the research objectives. The results showed that the neutrality of civil servants in implementing the 2020 Regional Head Elections in the Maros Regency had not been carried out correctly. The worst condition was because three unscrupulous employees violated ASN neutrality more than once. Meanwhile, Bawaslu has taken various forms of efforts to prevent violations related to ASN Neutrality in Maros Regency: through coordination and outreach meetings, letters of appeal, and visual aids. The factors that influence the neutrality of ASN in the holding of Regional Head Elections: are patron-client culture, primordial (kinship relations), law enforcement, and motivation for positions. Therefore, it is recommended that the Ministry of Internal Affairs increasingly consider the principle of neutrality in the selection process for ASN candidates. In addition, it is recommended that KASN provide strict sanctions for ASN who are not neutral. In this case, in the future, there will be no more violations of ASN neutrality that are committed more than once.*

Keywords:
ASN;
Neutrality Principle;
Regional Head Election;
Violation.

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INTRODUCTION

The election for the Regent and Deputy Regent or Regional Head Election in Maros Regency was held on December 9, 2020. In this election, there were three pairs of candidates for Regent and Vice-Regent, and the pair A. S Chaidir Syam and Suhartina won them. Although the election went smoothly, it still left some problems. One of these problems is related to the behavior of the State Civil Apparatus/*Aparatur Sipil Negara* (ASN) which has not been neutral. These problems resulted in Maros Regency being the area with the second highest ASN neutrality violations after Bulukumba Regency. Based on data from the Election Supervisory Board/*Badan Pengawas Pemilu*

(Bawaslu) of Maros Regency, the total number of complaints against ASN neutrality violations was 23 cases.¹

So far, the relationship between ASN and politicians in Indonesia is a unique phenomenon.² In regulations, ASN is a group of people who must maintain a neutral attitude in the practical political arena.³ It means that ASN may not side with any group, let alone participate in the power struggle. The bureaucracy in which there are professional civil servants is the most fundamental factor in building the effectiveness of public sector services.⁴ In addition, several articles in Law No. 5 of 2014⁵ regulate the neutrality of ASN. Therefore, bureaucratic politicization can be seen as a significant obstacle to the success of organizational development (public service).

Some believe that ASN's involvement in politics is practical because ASN is considered a group with social capital for political elites. The selling price can be seen from three things. *First*, the population of ASN is quite large. *Second*, ASN is a group of educated professionals with a high level of competence and loyalty. *Third*, ASN is the executor of policies and the holder of power and authority in managing the budget and resources within the bureaucracy. Political elites (especially incumbents) often exploit this condition to maintain/gain their authority and power.⁶

Such characteristics of ASN are often used by politicians as a source of strength that can boost the votes of politicians who are fighting for political positions in various spheres and levels of power.⁷ For politicians, ASN is considered to be able to provide a solid vote guarantee and is an essential resource to gain capital coffers (services and facilities) with position compensation for ASN.⁸

Based on the description above, this study aims to examine and analyze the application, prevention, forms of violations, and factors influencing the principle of ASN Neutrality in the 2020 Regional Head Elections in Maros Regency.

¹Election Supervisory Board of Maros Regency. (2020). *Laporan Akhir Penanganan Pelanggaran Pada Pemilihan Bupati dan Wakil Bupati Maros Serentak Lanjutan Tahun 2020 di Masa Pandemi Covid-19*, p. 130.

²Furqon, E. (2020). Kedudukan Komisi Aparatur Sipil Negara dalam Menjaga Netralitas Aparatur Sipil Negara pada Pemilihan Umum 2019 Ditinjau dari Undang-Undang Nomor 7 Tahun 2017 tentang Pemilihan Umum (Studi Kasus pada Pemilu 2019 di Provinsi Banten). *Ajudikasi: Jurnal Ilmu Hukum*, 4(1), p. 23.

³Sarbaini, S. (2020). Penyelenggaraan Pemilihan Kepala Daerah Secara Langsung dan Demokratis Sebagai Bentuk Perwujudan Hak Asasi Politik Masyarakat di Indonesia. *Legalitas: Jurnal Hukum*, 12(1), p. 131.

⁴Fitrah, F. A., Takariawan, A., & Muttaqin, Z. (2021). The Position of Civil Servant Investigator of Directorate General of Tax (DGT) in the Frame of Taxation Criminal Law Enforcement in Indonesia. *SIGN Jurnal Hukum*, 3(1), p. 5.

⁵Law of the Republic of Indonesia Number 5 of 2014 on the State Civil Apparatus.

⁶Muzakkir, A. K., Alhamid, M., & Kambo, G. A. (2021). Pembatalan Pembahasan Rancangan Undang-Undang tentang Penyelenggaraan Pemilihan Umum dan Keterkaitannya pada Pemilihan Umum Tahun 2024. *Pleno Jure*, 10(1), p. 64.

⁷Firman, F. (2017). Meritokrasi dan Netralitas Aparatur Sipil Negara (ASN) dalam Pengaruh Pilkada Langsung. *The Indonesian Journal of Public Administration (IJPA)*, 3(2), p. 16.

⁸Atmojo, M. E., Darumurti, A., & Pratiwi, V. P. (2022). Analisis #JagaASN sebagai Media Kampanye di Indonesia pada Pemilihan Kepala Daerah Tahun 2020. *Perspektif*, 11(2), p. 470.

METHOD

This research uses the empirical research method. In this case, research whose object of study includes the provisions of laws and regulations (*in abstracto*) and their application to legal events (*in concreto*).⁹ Furthermore, this type of empirical legal research focuses on legal practice as a social phenomenon in terms of the reciprocal relationships caused by social phenomena, including economic, political, social, psychological, and anthropological aspects.¹⁰ This research was carried out during July 2021 in Maros Regency. This research consisted of four informants who were selected by purposive sampling technique. The types and sources of data used in this research are as follows:

1. Primary Data is data obtained directly from informants;
2. Secondary Data is data obtained from searching legal literature, including laws and regulations, references, legal scientific journals, legal encyclopedias, and texts or official publications.

The primary data were collected using direct interviews with four informants. While the secondary data was collected using literature study techniques on primary, secondary, and tertiary legal materials. The data obtained in this research were then analyzed qualitatively to analyzing problems and answer study purposes.

RESULTS AND DISCUSSION

A. Application of the ASN Neutrality Principle in the 2020 Regional Head Elections in Maros Regency

The ASN neutrality based on Article 2 point f of Law No. 5 of 2014 regulates that “*the implementation of ASN policies and management is based on the principle of neutrality.*” This principle of neutrality means that every ASN Servants is impartial from any form of influence or interest that certain groups present. In this case, the neutrality of ASN is an important pillar in the continuity of implementing good governance. In addition, ASN Servants are required to provide services to the public in a professional, honest, fair, and equitable manner. Therefore, ASN must be neutral in implementing the 2020 Regional Head Elections.

However, so far, several ASN Servants still cannot be neutral. This action is still often found in various reports about Regional Head Elections. Supporting Regional Head and Deputy Regional Head candidates occurs due to ASN Servants who are easily carried away by political currents to get promoted in the next Regional Government period. This condition also occurred in the 2020 Regional

⁹Qamar, N. & Rezah, F. S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. Makassar: CV. Social Politic Genius (SIGn), p. 5.

¹⁰Irwansyah. (2021). *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel* (Revision Edition). Yogyakarta: Mirra Buana Media, p. 257.

Head Elections in Maros Regency. On the other hand, according to Sufirman:¹¹

“Constitutionally or in law on ASN, the code of ethics for ASN behavior and in the law on the election has been explained that ASN must be neutral. In the sense that they cannot participate and cannot take sides in the process of winning one of the candidate pairs. ASN should be neutral in Regional Head Elections and General Elections at other levels.”

On the other hand, every Servant also understands the provisions mentioned above. For example, based on Article 11 point c of Government Regulation No. 42 of 2004¹² regulates that *“ethics towards oneself include avoiding conflicts of personal and group interests.”* Furthermore, Article 5 point n of Government Regulation No. 94 of 2021¹³ regulates that:

“Every Civil Servant is prohibited from providing support to candidate for President/Vice President, candidates for Regional Head/Deputy Regional Head, candidate for members of the House of Representatives, candidates for members of the Regional Representative Council, or candidates for members of the Regional House of Representatives, by: 1. participating in campaigns; 2. becoming a campaign participant by using party attributes or Civil Servant attributes; 3. as a campaign participant by deploying other Civil Servants; 4. as a campaign participant by using state facilities; 5. make decisions and/or actions that are beneficial or detrimental to one pair of candidates before, during, and after the campaign period; 6. organize activities that lead to the partiality of candidate pairs who participate in the election before, during, and after the campaign period, including meetings, solicitations, encouragement, appeals, or giving goods to civil servants within their work units, family members, and the community; and/or 7. providing a letter of support accompanied by a photocopy of the Resident's Identity Card or Certificate of Resident Identity.”

Apart from the many regulations that require the neutrality of ASN, as Muh. Gazali Hadis says:¹⁴

“Based on its authority, Bawaslu apart from overseeing the stages, there is also what is meant by supervision of other parties who are prohibited from being involved in it, namely the Indonesian National Armed Forces/Tentara Nasional Indonesia (TNI), the State Police of the Republic of Indonesia/Kepolisian Negara Republik Indonesia (Polri), village heads, as well ASN. In the process, we carried out face-to-face outreach as well as via letters appealing to ASN to be neutral in the Regional Head Elections. We also always invite local governments not to involve ASN in the process of winning or mobilizing one of the candidate pairs.”

¹¹Interview Results with the Head of the Election Supervisory Board of Maros Regency. Sufirman, S.IP, on July 7, 2021.

¹²Government Regulation of the Republic of Indonesia Number 42 of 2004 on Development of Corps Spirit and Code of Ethics for Civil Servants.

¹³Government Regulation of the Republic of Indonesia Number 94 of 2021 on Civil Servant Discipline.

¹⁴Interview Results with the Coordinator of the Supervision and Inter-Agency Relations Division of the Election Supervisory Board of Maros Regency. Muhammad Gazali Hadis, S.Pd.,M.Pd., on July 6, 2021.

B. Forms of Violation Prevention related to ASN Neutrality in the 2020 Regional Head Elections in Maros Regency

The forms of preventing violations related to ASN Neutrality carried out by the Bawaslu of Maros Regency are as follows:

1. Prevention through Coordination Meetings and Outreach
 - a. Socialization of participatory supervision carried out on August 6, 2020. This activity included collaboration between the Bawaslu of Maros Regency and the Faculty of Social and Political Sciences at Hasanuddin University. This activity aims to increase voter participation by involving students, first-time voters, and youth organizations throughout Maros Regency. In addition, this collaboration is in the context of forming solid relationships in the education, research, community service, and human resource development sectors.
 - b. Socialization of ASN neutrality which was held on September 17, 2020. This activity aims to build ASN awareness to be neutral in Regional Head Elections.
 - c. Technical Guidance for Supervision of Campaign Stages, held on September 30, 2020. Participants in this activity consisted of the Sub-District Election Supervisory Committee/*Panitia Pengawas Pemilu* (Panwaslu) and Staff of Supervision and Inter-Agency Relations of Panwaslu throughout Maros Regency. This activity aims to provide an understanding to the supervisory ranks regarding the procedures for filling in work tools during the campaign stage. In addition, it also provides knowledge of the procedures for reporting Supervision Results as outlined in Form A.
 - d. The Coordination Meeting for Oversight of Campaign Stages was held on October 12, 2020. Participants in this activity comprised members of General Election Commission/*Komisi Pemilihan Umum* (KPU), the District Police of Maros, and Members of the Civil Service Police Unit/*Satuan Polisi Pamong Praja* (Satpol PP) in Maros Regency. This activity aims to evaluate the campaign results for 16 days by complying with the Health Protocol and creating the Campaign WhatsApp group media to inform the campaign implementation schedule.
 - e. The Coordination Meeting for Oversight of the Preparation for Controlling Campaign Props/*Alat Peraga Kampanye* (APK) was held on December 1, 2020. The participants in this activity consisted of 11 Police Members, 36 Satpol PP Members, 2 Police Members who are members of the Campaign Working Group, and 1 KPU Commissioner of Maros Regency. This activity describes the schedule, methods, and points/locations for controlling the APK.
2. Prevention through Letters of Appeal

As for the prevention carried out by letter, namely by issuing a letter of appeal that has been issued, among others, as follows:

- a. Appeal by Letter Number 206/SN-12/PM.04/XI/2019, dated 13 November 2019, addressed to the Regent of Maros. In this case, basically, appeal to all ASN within the scope of the Maros Regency Government to maintain their neutrality. In addition, he appealed to the Maros Regent to urge the ASN within the Maros Regency Government to maintain neutrality.
- b. Appeal by Letter Number 141/SN-12/PM.04/09/2020, dated 21 September 2020, addressed to all KPUs in Maros Regency. In this case, it is basically advised not to:
 - 1) campaigning/outreach on social media (posting, commenting, sharing, and liking);
 - 2) attend the Declaration of Prospective Candidates/Prospective Participants in the Regional Head Election;
 - 3) take a group photo with the Prospective Pair of Candidates/Pairs of Candidates by following the hand gestures/gestures indicating partiality;
 - 4) become a resource person in Political Party activities (except in the context of official duties, accompanied by a letter of assignment from superiors);
 - 5) approach political parties and the public (for Independent Candidates) to obtain support related to the candidacy of the ASN concerned in Regional Head Elections as a Prospective Regional Head/Deputy Regional Head candidate but not taking leave outside the state's responsibility;
 - 6) declare themselves as Candidate Pairs for Regional Head/Deputy Regional Head without leave outside the state's responsibility, put up banners/billboards promoting themselves or other people as Prospective Candidates for Regional Head/Deputy Regional Head;
 - 7) holding activities that lead to partiality (meetings, solicitations, appeals, invocation, and giving goods), including the use of items related to the position or personal property for the benefit of the Prospective Pair of Candidates/Post of Candidates;
 - 8) participating as executors before and after the campaign, becoming campaign participants using party attributes/PNS attributes/without attributes and directing PNS or other people;
 - 9) participating in campaigns for husbands or wives of Regional Head Candidates who have ASN status and do not take leave outside the state's responsibility;
 - 10) provide support to Regional Head Candidates (Independent Candidates) by providing a photocopy of National Identity Card;
 - 11) participate as campaign participants with state facilities;
 - 12) use state facilities related to positions in campaign activities;
 - 13) make decisions that can benefit/disadvantage a Candidate Pair during the campaign period; and
 - 14) become a member and/or administrator of a political party.
- c. Appeal by Letter Number 142/SN-12/PM.04/09/2020, dated 21 September 2020, addressed to all Candidate Pairs for Regent and Deputy Regent of Maros in 2020. In this case, principally appeal to all Candidate Pairs to:
 - 1) comply with the Covid-19 pandemic health protocol when attending the drawing of the serial number of candidate pairs;
 - 2) limiting the number of sympathizers to participate in the drawing room for the serial number

- of candidate pairs; 3) does not involve prohibited parties such as the TNI/Polri and ASN.
- d. Appeal by Letter Number 175/SN-12/PM.04/10/2020, dated October 5, 2020, addressed to all Candidate Pairs for Maros Regent and Deputy Regent in 2020. In this case, principally appeal to all Candidate Pairs to: 1) does not involve prohibited parties such as ASN, TNI/Polri, Village Head, or other designations; 2) not engaging in money politics; and 3) comply with the Covid-19 pandemic health protocol.
3. Prevention through Letters of Appeal
 - a. Installation of ASN Neutrality X Banners distributed to 34 OPDs in Maros Regency and 14 Sub-District Offices throughout Maros Regency with a total of 48 sheets.
 - b. Installation of ASN Neutrality banners at the Urban Village Office, sub-district office, places of worship, and public places through Panwascam in 14 Sub-Districts throughout Maros Regency totaling 469 Sheets.
 - c. 17,600 pieces of Sticker Rejecting Money Politics at Village Offices, sub-district offices, places of worship, and public places in 14 Sub-districts throughout Maros Regency.

C. Forms of Violations related to ASN Neutrality in the 2020 Regional Head Elections in Maros Regency

Even though Bawaslu has taken various forms of preventing violations of ASN neutrality, there are still findings and reports from the public.¹⁵ In this case, there are still violations committed by dozens of ASN within the Maros Regency Government Environment. According to Agus:¹⁶

"There is no socialization program for monitoring the neutrality of ASN, especially within the Maros Regency Personnel and Human Resources Development Agency. However, during each socialization of the Code of Ethics for Civil Servants, socialization is usually carried out on the neutrality of ASN in regional head elections."

On the other hand, there were 23 (twenty-three) handling of alleged violations of ASN neutrality handled by the Bawaslu of Maros Regency. 5 findings/reports were not proven as violations of ASN neutrality. In addition, 3 (three) ASN personnel committed violations more than once. Therefore, the Bawaslu of Maros Regency forwarded 18 (eighteen) files from 15 (fifteen) individual cases of alleged ASN violations to The State Civil Apparatus Commission/*Komisi Aparatur Sipil*

¹⁵Janna, E. I., Jumat, G., & Wahyuni, W. (2021). Efektifitas Hukum Pengawasan Bawaslu Provinsi Sulawesi Tengah terhadap Netralitas Aparatur Sipil Negara dalam Pilkada Tahun 2020. *Qaumiyah: Jurnal Hukum Tata Negara*, 2(1), p. 116.

¹⁶Interview Results with the Head of Sub-Division of Apparatus Discipline Development and Awards of Maros Regency. Agus, S.Sos, M.I.Kom., on July 26, 2021.

Negara (KASN) of Maros Regency. According to Amiruddin:¹⁷

"The neutrality of ASN in Maros Regency has not worked as it should. This condition can be seen from several ASN personnel who committed blatant violations and even committed violations more than once in the 2020 Regional Head Elections."

Forms of violations of 3 (three) ASN persons who committed violations more than once, including:

1. Andi ilham Nadjamuddin, S.STP., M.Sc., is an ASN official in Maros Regency. The alleged violation involved himself as a Candidate for the Pair of Regent and Deputy Regent in the 2020 Regional Head Elections in Maros Regency. In addition, several photos were found on Facebook social media containing documentation of him wearing clothes bearing the logo of the Nasional Demokrat Party (NasDem Party) during the welcoming of Chairman of the NasDem Party at the Bandara Lama VIP Building, Hasanuddin Urban Village, Mandai Sub-District. From the results of the clarification carried out by the Bawaslu of Maros Regency, Andi Ilham Nadjamuddin confirmed that he had not resigned as an ASN.
2. Andi Chaebar, S.IP., M.Sc., is the Head of the Cultural Heritage and Regional Museum Section of Maros Regency. The alleged violation involved entering as a member of the WhatsApp group "Bontoa-Mandai," in which the group's profile photo was a photo of the Maros Regent and Deputy Regent candidate pair serial number 2. In addition, a photo was found between him and several residents using the 2 (two) finger symbol. The photo's background is the banner of the candidate pair for Regent and Deputy Regent number 2.
3. Bakti Setiawan, S.STP., is an ASN servants in Maros Regency. The alleged violation involved giving a Like to the Maros Unggul fan page, which is known to be one of the taglines for the Candidates for Regent and Deputy Regent of Maros Regency. In addition, a selfie was found with the team of candidates for Regent and Deputy Regent candidate number 3.

The findings/reports above indicate that the neutrality of ASN in implementing the 2020 Regional Head Elections in the Maros Regency has not been carried out properly. Sufirman says:¹⁸

"Still found several ASN personnel who even committed violations more than once in the 2020 Regional Head Election. After clarification, the ASN who committed the violations turned out to have close or family/relative relations with the candidate pairs. This relationship is so influential that the neutrality of ASN in the 2020 Regional Head Elections in Maros Regency has not been carried out properly."

¹⁷Interview Results with the Coordinator of the Legal Division for Handling Violations, and Dispute Resolution of the Election Supervisory Board of Maros Regency. Amiruddin, S.H., M.H., on July 7, 2021.

¹⁸Interview Results with the Head of the Election Supervisory Board of Maros Regency. Sufirman, S.IP., on July 7, 2021.

D. Factors Influencing ASN Neutrality in the 2020 Regional Head Elections in Maros Regency

Based on the analysis results, several factors influence the neutrality of ASN in holding the 2020 Regional Head Elections.

1. Patron-Client Culture

Patron-client culture is the main cause of ASN's partiality in regional head elections.¹⁹ Patron is a leader, and the client is a subordinate. The patron-client culture can be seen in the New Order regime, which is known to be very patrimonial. Patron-client culture positions a boss to provide or provide positions for clients. However, subordinates or clients must repay services by providing loyalty and dedication.

Furthermore, the bureaucracy is tied to superiors. Therefore, instructions from superiors as patrons become a benchmark for ASN to act, including providing support for one of the regional head candidates. In this condition, the Patron (leader) and client (subordinate) will try to utilize all available resources to maintain their political power.²⁰

Some ASN employees in Maros Regency are not neutral due to patron-client cultural factors. In this case, one of the candidates for the regional head, the deputy regent of Maros, holds a patron position. While ASN, which is a client position, will prove its loyalty. Sufirman says:²¹

"ASN has the potential to not be neutral because they are afraid of losing their positions and titles. We can see that the elected Regent transferred ASN employees after the Regional Head Election. The mutation process also has a process of revenge or remuneration. Payback for ASN who helped him and revenge for ASN who didn't help him."

2. Primordial (Kin Relations)

Primordial ties in Indonesian society, especially in Maros Regency, are still very strong. This condition is very influential in determining the political attitude of ASN servants. Kinship relations are formed based on biologically similar descent.²² One factor influencing the neutrality of ASN in the 2020 Regional Head Elections in Maros Regency is the primordial factor (the

¹⁹Misra, F., Sudarmoko, Apriwan, A., Hakim, A., Kabullah, M. I., & Rahman, F. (2021). Kontekstualisasi Pilkada Riau: Sosiokultural, Relasi Klientalistik dan Indikasi Politik Uang. *Integritas: Jurnal Antikorupsi*, 7(1), pp. 46-47.

²⁰Prianto, B. (2016). Partai Politik, Fenomena Dinasti Politik dalam Pemilihan Kepala Daerah, dan Desentralisasi. *Publisia: Jurnal Ilmu Administrasi Publik*, 1(2), p. 109.

²¹Interview Results with the Head of the Election Supervisory Board of Maros Regency. Sufirman, S.IP., on July 7, 2021.

²²Iwansyah, I., Sunito, S., & Sjaf, S. (2016). Modal Jaro dalam Arena Politik Lokal: Studi Kasus di Desa Cileuksa Kecamatan Sukajaya Kabupaten Bogor. *Jurnal Sosiologi Reflektif*, 11(1), p. 90.

existence of kinship/kinship). Amiruddin states:²³

"Family relationship/kinship relations are one of the factors that greatly influence the neutrality of ASN in the 2020 Regional Head Elections in Maros Regency. As is well known, if ASN has siblings, relatives or elders who are involved in practical politics, in a primordial society, of course they will not allow their siblings to fend for themselves in achieving their goals. So that one of the findings of violations committed by one of the ASN servants was because they had a close relationship with one of the pairs of Candidates for the Regent and Deputy Regent of Maros. In this case, the ASN servants made a post on social media (facebook) to call for support for the candidate."

3. Law Enforcement

The constitutional system in Indonesia is a constitutional state (*rechtsstaat*) and not a sovereign state (*machtsstaat*). The rule of law aims to protect the entire nation of Indonesia and all of Indonesia's bloodshed, as mandated in the Preamble to the 1945 Constitution. The logical consequence of the rule of law is that the government must place law as commander in chief and make law the only tool to solve all problems.²⁴ Meanwhile, one of the factors influencing the neutrality of ASN in the 2020 Regional Head Elections in Maros Regency is the weak law enforcement factor. Amiruddin states:²⁵

"The lack of strict sanctions given is an inhibiting factor for ASN to act neutral. Therefore, it was found that several ASNs were processed more than once because the sanctions were not strict so that there was no deterrent effect for the actions they committed. In addition, even though the laws and regulations governing ASN Neutrality have been enacted, the level of violations against the principle of neutrality among ASN employees is still high."

4. Motivation towards Position

The involvement of ASN in the Regional Head Election is due to the motivation from within to gain power.²⁶ In addition, the ASN is interested in maintaining and improving its career position or position. The motivation to get a certain position or career position within the scope of the bureaucracy results in an ASN servants participating actively in the Regional Head Election.²⁷ For example, carrying out political campaign activities to win a certain pair of

²³Interview Results with the Coordinator of the Legal Division for Handling Violations, and Dispute Resolution of the Election Supervisory Board of Maros Regency. Amiruddin, S.H., M.H., on July 7, 2021.

²⁴Sutrisno, S. (2019). Prinsip Netralitas Aparatur Sipil Negara dalam Pemilihan Kepala Daerah. *Jurnal Hukum Ius Quia Iustum*, 26(3), pp. 530-531.

²⁵Interview Results with the Coordinator of the Legal Division for Handling Violations, and Dispute Resolution of the Election Supervisory Board of Maros Regency. Amiruddin, S.H., M.H., on July 7, 2021.

²⁶Mustika, Y. A., Rasyidin, R., & Suadi, S. (2021). Netralitas Aparatur Sipil Negara dalam Pemilihan Kepala Daerah di Kabupaten Bener Meriah. *Jurnal Transparansi Publik*, 1(1), p. 52.

²⁷Berenschot, W. (2018). Incumbent bureaucrats: Why Elections Undermine Civil Service Reform in Indonesia. *Public Administration and Development*, 38(4), p. 137.

candidates. Obtaining/maintaining positions is also one factor that influences the neutrality of ASN in the 2020 Regional Head Elections in the Maros Regency. Sufirman says:²⁸

"Actually the laws and regulations have strictly regulated the principle of neutrality for ASN. However, there are still personal problems among ASN because they already know the rules but are still not neutral. Non-neutrality also occurs because the ASN employee is in a dilemma. For example, because there is a family relationship with one of the candidate pairs or they have a position orientation. Especially if the candidate pair is the incumbent or the family of the regent who is temporarily serving. This condition definitely has an influence that makes ASN potentially not neutral."

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion above, it can be concluded that ASN's Neutrality in implementing the 2020 Regional Head Elections in Maros Regency has not been carried out correctly. The worst condition was because three unscrupulous employees violated ASN neutrality more than once. Meanwhile, Bawaslu has taken various forms of efforts to prevent violations related to ASN Neutrality in Maros Regency: through coordination and outreach meetings, letters of appeal, and visual aids. The factors that influence the neutrality of ASN in the holding of Regional Head Elections: are patron-client culture, primordial (kinship relations), law enforcement, and motivation for positions. Based on the description of these conclusions, it is recommended that Ministry of Internal Affairs increasingly consider the principle of neutrality in the selection process for ASN candidates. In addition, it is recommended that KASN provide strict sanctions for ASN who are not neutral. In this case, in the future, there will be no more violations of ASN neutrality that are committed more than once.

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²⁸Interview Results with the Head of the Election Supervisory Board of Maros Regency. Sufirman, S.IP., on July 7, 2021.

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