

The Achievement Of The State Civil Apparatus Leads To None-Neutrality (Study On Simultaneous Regional Head Elections 2020 In Konawe Selatan District)

Imah Hafsa¹, La Ode Mustafa², Hj Dewi Angraini³

{imahhafsa211@gmail.com¹, laodemustafa60@gmail.com², dewiangrainiunhalu@gmail.com³}

Department of Political Science, FISIP, Halu Oleo University, Kendari, Indonesia^{1,2,3}

Abstract. The purpose of this study was to determine the Gait of the State Civil Apparatus (ASN) Against Neutrality in the Regional Head Election of South Konawe Regency. The research method used by the author is a qualitative research method with a descriptive analysis approach using Bureaucratic Politics theory and data collection used in this study, namely interviews, observation and documentation. The data analysis technique used by the author is a qualitative data analysis technique, namely by searching and systematically compiling data from observation interviews and documentation and then choosing which ones are important and need to be studied and making conclusions that are easy to understand. Based on the results of research related to the State Civil Apparatus as a state apparatus that provides services to the community in a professional, honest, fair and equitable manner in carrying out state government and development tasks. Findings and reports of cases of non-neutrality in the state civil apparatus are still being found, the election supervisory body as the regional head election supervisory body emphasized that of all the cases that came in the highest was one of them being non-neutral in the state civil apparatus. Then note the findings of the supervisory committee in the field the number of ASN involvement in the South Konawe Regency Pilkada reached 76% with various forms of involvement cases carried out by ASN.

Keywords: ASN progress, non-neutrality, 2020 South Konawe regional election

1 Introduction

The role of the State Civil Apparatus as planners, executors, and overseers of the implementation of general governmental tasks and national development through the implementation of professional public policies and services, free from political intervention, and clean from practices of corruption, collusion, and nepotism. The State Civil Apparatus also works in the government environment, both central government and regional government. As for the basic values of ASN, namely Morality, the meaning is as follows: Service-oriented, Accountable, Competent, Harmonious, Loyal, Adaptive and Collaborative.

The State Civil Apparatus must work in a professional, clean and neutral manner in accordance with the laws governing the work of the State Civil Apparatus itself. This is

because the state civil apparatus is bound by Law Number 5 of 2014 which is a regulation that regulates the neutrality of the state civil apparatus, not only that this Law also emphasizes and explains how the state civil apparatus should act neutrally as a bureaucrat who is a state apparatus. As stated in the Law on the state civil apparatus in article 9 paragraph (2) it says that: "State Civil Apparatus employees must be free from the influence and intervention of all groups and political parties." By issuing the State Civil Apparatus Law (ASN) which regulates neutrality.

The law that regulates the state civil apparatus is expected to produce a state civil apparatus that is free from public intervention and partisanship. The state civil apparatus in the world of bureaucracy, because the state civil apparatus is often used as a political machine, especially when general elections and regional head elections are held, both at the provincial and district/city levels. The process of implementing a democratic party is of course always adorned with various kinds of political phenomena, none other than the phenomenon of the involvement of the state civil apparatus which is indeed nothing new, moreover the state civil apparatus as a public service is of course one of the actors' targets. This was proven in the implementation of the 2020 regional head elections.

In the election that took place in Southeast Sulawesi in 2020, there were 7 regencies that had carried out regional head elections including Muna Regency, Wakatobi Regency, South Konawe Regency, Konawe Islands Regency, North Konawe Regency, East Kolaka Regency, North Buton Regency. And from the results of the mapping in 7 Southeast Sulawesi districts on December 6, 2020, the total findings of election violations reached 121 and 33 reports were recorded at the Bawaslu.

Table 1.1 Details of Case Findings and Reports of Violations Found in the 2020 Regional Elections of 7 Districts in Southeast Sulawesi

N	Name of Regency	Total (people)
1	South Konawe Regency	16
2	Konawe Islands	8
3	East Kolaka	9
4	North Buton	14
5	North Konawe	38
6	Wakatobi	33
7	Muna	34

Source. Southeast Sulawesi Province Bawaslu in 2020

The table above shows that the details of case findings and reports of violations in the 2020 Pilkada in 7 districts of Southeast Sulawesi Province, namely South Konawe Regency have 16 people, Konawe Islands 8 people, East Kolaka 9 people, Buton Utara 14 people, Konawe Utara 38 people, Wakatobi 33 people people and Muna 34 people. The cases that were flawed in Southeast Sulawesi Province certainly had various kinds of cases, which were found namely: non-neutrality of the state civil apparatus, violations of the Covid-19

health protocol, and even disruption of public order due to mass mobilization during campaigns.

Bawaslu stated that the highest number of violations was the non-neutrality of the state civil apparatus. The non-neutrality found in South Konawe Regency was recorded as 11 people were reported, only those who reached the verdict and table II processing were 4 state civil servants. Of the 4 state civil servants who committed acts of non-neutrality, they were divided into several types of cases, namely: cases of ASN in the incumbent camp, cases of ASN siding with opponents, cases of change of officials, cases of wives of pairs of candidates who were reported to the Bawaslu. The following are forms of cases of non-neutrality in the state civil apparatus.

Table 1.2 Forms of Non-neutrality of State Civil Apparatus in South Konawe Regency in the 2020 Regional Elections

No	Name	Forms of non-neutrality cases
1	Ahmad Ruanto dan Mustari	Political Support
2	Dr. Arsalim Arifin	Articulation of Interests
3	Dr. Arsalim Arifin	Promotion/increase in rank
4	Rahma Muhamad Said	Political Support

Source. South Konawe Regency Bawaslu in 2020

Violations of the non-neutral state civil apparatus in regional head elections tend to have the potential to happen to incumbents. This is because incumbents still use government/state facilities, utilize ASN to engage in practical politics, including efforts by incumbents to utilize village heads in directing community support. This involvement has several factors, namely the lure of positions and promotions so that the non-neutrality of ASN is tested by the promises of the candidate pairs or parties they support.

In addition, the ASN situation is very threatened, because of the intervention that forces them not to be neutral and to side with the candidate pairs. The intervention experienced by ASNs was in the form of interference from candidate pairs with the ASN profession in terms of community service which could have been lost. This really strangles ASNs, where if they don't take sides, they will likely lose their profession/position. Complaints of violations of ASN non-neutrality were found from the start of the regional head election stages, from the registration stage to the campaign stage. It is in this campaign stage that much involvement is found, because this is the longest stage with a period of more than 90 days before the regional head elections are held.

From the table above it can be seen that ASN's involvement in regional head elections in South Konawe Regency was classified into several forms of cases with various forms of violations that were found when the election stages began until the voting took place. Some of the findings and reports submitted were 2 cases that reached the decision stage in the form of a criminal sanction of 1 month in prison. Starting with the background of the case in this proposal, the author wants to find out how the role of the State Civil Apparatus (ASN) is regarding the non-neutrality in the Regional Head Election for South Konawe Regency? So what are the forms of non-neutrality of the State Civil Apparatus (ASN) in the South Konawe

Regency Regional Head Election? Thus the author raises the title Gait of the State Civil Apparatus (ASN) Leading to Non-Neutrality (Study on the 2020 simultaneous local elections in South Konawe Regency)

2 Literature Review

2.1 Regional Head Election Concept

According to Law no. 12 of 2008 Elections for Regional Heads and Deputy Regional Heads are elections to directly elect regional heads and deputy regional heads in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Meanwhile, according to PP No. 49/2008 concerning the Election, Ratification, Appointment and Dismissal of Regional Heads and Deputy Regional Heads states that the Regional Head Election is a means of implementing popular sovereignty in provincial and/or district/city areas based on Pancasila and the 1945 Constitution of the Republic of Indonesia to elect the Head Regional and Deputy Regional Heads.

Pemilukada, like general elections, is an arena of community politics, a place for society to organize power and gain control over the state. However, the Regional Election is an election process with a democratic model compared to other models.

Regional elections need to be carried out directly, because:

- a. Returning sovereignty to the people. Citizens, based on the sovereignty they have, must be given the opportunity to participate in determining the future of their respective regions, by directly electing regional heads and deputy regional heads.
- b. The same legitimacy between the regional head and deputy regional head as with the DPRD. If the regional head and deputy regional head are still elected by the DPRD, not directly elected by the people, the level of legitimacy of DPRD members is much higher than the level of legitimacy of the regional head and deputy regional head.
- c. The equal position between the regional head and deputy regional head and the DPRD. The regional head and deputy regional head are elected and responsible to the DPRD, meaning that the position of the DPRD is above the regional head and deputy regional head. To provide a position as equal partners between the regional head and deputy regional head and the DPRD, the regional head and deputy regional head must be elected directly by the people.
- d. Constitution. No. 22 of 2003 concerning the Susduk of the MPR, DPR, DPD and DPRD. In article 62 of Law no. 22 of 2003, the authority of DPRD to elect regional heads and deputy regional heads has been revoked. The authority that exists in the DPRD is to propose the appointment and termination of regional heads to the President through the Minister of Home Affairs.
- e. Preventing money politics. The problem of money politics is possible because of the enormous authority that the DPRD has in the process of selecting regional heads and deputy regional heads. By directly electing regional heads and deputy regional heads, the possibility of money politics can be prevented, or at least reduced. If there are still parties who want to do this, they will face quite a large number of voters.

The things mentioned above are the importance of direct regional elections according to (Rozali Abdullah, 2005), while according to Abdul Djalil in Ardiantoro, (1999: 33-35), there are several advantages to implementing regional elections, including:

1. Provide certainty regarding the constitutional transfer of leadership and power to create legitimate leadership.
2. People's involvement in elections is a form of people's political participation.
3. As a formal vehicle for shaping state and societal order towards a better order.
4. Can be a filter for people's trust in the political party that is the people's choice.

The implementation of free and fair regional elections is very important for the functioning of a nation's democracy, including:

1. Through free and fair regional elections, it is possible for a political community to transfer power peacefully.
2. The democratic system requires freedom to voice interests and conflicts openly, so that free and fair Pilkada can create the institutionalization of conflicts.

An important note in order to realize the strengthening and empowerment of democracy at the local level in the election or recruitment process, the people's representatives receive a political mandate from their community members (Direct Regional Election), including: First, with direct Regional Election strengthening democratization at the local level can be realized, especially in relation to development political legitimacy. Second, with direct regional elections, it is hoped that it will be able to build and realize local government accountability (accountability). Third, if local accountability is successfully realized, then optimizing equilibrium checks and balances between state institutions (especially between the executive and legislature) can lead to community empowerment and strengthening the democratic process at the local level. Fourth, through the Regional Head Election, a direct increase in the quality of people's political awareness as a manifestation of the quality of people's participation is expected to emerge. Many experts each mention the advantages and disadvantages of the direct regional election system. Likewise, Sutoro Eko has another opinion regarding the advantages of direct regional elections.

According to Sutoro Eko, there are several advantages of direct democratic regional elections.

1. The post-conflict local election allows a more participatory process, by linking the participation of wider constituents, not merely linking a handful of people in an oligarchic manner in the DPRD.
2. The participatory process allows the formation of a social contract between candidates, political parties and constituents. The social contract (candidate's vision and mission) is not just a sale of promises but rather an educational arena to foster local government accountability to citizens.
3. The post-conflict local election provides space and options that are open to citizens to determine candidate leaders who have capacity, integrity and are legitimate in the eyes of the citizens. Such perfect hopes can be realized if they are supported by several preconditions. First, political actors and political parties (as political machines) are accountable and rooted in society. Second, citizens have a political culture that is democratic (tolerant, accommodative, admits defeat and respects victory in political competition) and is participatory. Third, the voter masses are educated, well-informed and rational-critical. Fourth, the continued opening of public space that allows the process of social contracts between candidates, political parties and citizens. The quality of the Pilkada system can be influenced by 2 things, namely First, the regional election organizers. The KPU and Bawaslu must be independent.

Both should not work based on the interests of certain people or groups. Second, there are still many overlapping regional election regulations that must be corrected quickly. The post-conflict local election is accompanied by political parties or a combination of political parties and through individual means (independent), so that it is to be discussed on independent candidates in a more comprehensive manner

2.2 Concept of Regional Head

The existence of a regional head is regulated in Law No. 32 of 2004 concerning regional government that: In Article 24 paragraph (1) Each region is led by a regional government head who is called the regional head, paragraph (2) The regional head as intended in paragraph (1) is to provinces are called governors, for districts they are called regents, and for cities they are called mayors, and paragraph (3) the regional head as intended in paragraph (1) is assisted by one deputy regional head.

In Article 25, the regional head has the duties and authority, (a) to lead the implementation of regional government based on policies determined jointly with the DPRD; (b) submit a draft regional regulation; (c) stipulate regional regulations that have been jointly approved by the DPRD; (d) drafting and submitting a draft regional regulation on APBD to DPRD for joint discussion and adoption; (e) strive for the implementation of regional obligations; (f) represent the region inside and outside the court, and can appoint a legal representative to represent him in accordance with statutory regulations; and (g) carry out other duties and authorities in accordance with laws and regulations.

In Article 27, in carrying out the duties and authority as intended in Article 25 and Article 26, regional heads and deputy regional heads have the obligation,

- a. uphold and practice Pancasila, implement the 1945 Constitution of the Republic of Indonesia and defend and preserve the integrity of the Unitary State of the Republic of Indonesia;
- b. improve people's welfare;
- c. maintaining peace and public order;
- d. carrying out democratic life;
- e. obey and enforce all laws and regulations;
- f. maintain ethics and norms in the administration of regional government;
- g. advancing and developing regional competitiveness;
- h. implement the principles of clean and good governance i. implement and account for

Regional financial management; (j) establishing working relationships with all vertical agencies in the regions and all regional apparatuses; (k) submit a strategic plan for the implementation of regional administration before the DPRD Plenary Meeting. Based on Regional Government Law Number 23 of 2014, in a regional government there is a regional head assisted by a deputy regional head, the provincial regional head is appointed as governor, the regent is appointed as regent, and the regent is appointed as regional head. Meanwhile, for a city, it is called mayor, with a term of office of 5 years and can then be extended for one term of office in the same position.

The functions of regional heads and deputy regional heads are explained below based on Law 23 of 2014.

1. Direct the administration of government affairs which are areas of regional authority in accordance with the provisions of laws and regulations and policies established with the DPRD;

2. The maintenance of public tranquility and order;
3. prepare a draft Regional Regulation on the RPJPD and a draft Regional Regulation on the RPJMD and submit it to the DPRD for discussion with the DPRD and prepare and determine the RKPD;
4. Prepare a draft Regional Regulation on the RPJPD and a draft Regional Regulation on the RPJMD and submit it to the DPRD for discussion with the DPRD and prepare and determine the RKPD;
5. Representing the territory inside and outside the court and can be represented by attorneys in accordance with laws and regulations;
6. Propose the appointment of deputy regional heads; And
7. Carry out other functions in accordance with the provisions of laws and regulations.

Regional heads are required to make regional government administration reports, accountability reports, and summary reports on regional government administration, which will be discussed in the next article. In carrying out government affairs which fall under regional authority, regional heads and deputy regional heads have protocol rights and financial rights. Financial rights include basic salary, work benefits, and other benefits. Regional Heads and/or Deputy Regional Heads who are laid off do not get protocol rights and only get economic rights in the form of basic salary, child allowance and spousal/husband allowance. (government.net)

2.3 Political Bureaucracy

The development of bureaucracy in Indonesia historically cannot be separated from the history of colonialism which transformed the nature and role of traditional bureaucracy belonging to the kingdoms of the archipelago. Of course, this transformation was inseparable from the political background of expansion which was the trend in European countries at that time. Bureaucratic structuring then became the colonial government's basic need for administrative order which would ultimately trigger socio-political stability.

The function and role of bureaucracy cannot be separated from the political system which is the political setting of public bureaucratic behavior (Alamsyah, 2003). If bureaucracy during the colonial period was used as a way to maintain legitimacy in the colony, the practice of structuring the bureaucracy at the beginning of independence was also not much different from the interests of gaining and maintaining legitimacy. Law Number 1 of 1945 concerning Regulations concerning National Committees in Regions contains matters regarding the existence of regional governments as well as matters that are the essence of the existence of bureaucracy which then become more visible in more detail along with the series of changes that occur afterwards. Apart from the configuration formed in the bureaucratic arrangement, one thing that can be concluded is that the content of each legal regulation represents the spirit of the times, thoughts and political configuration in which the law is put into practice (Alamsyah, 2003).

Bureaucracy and politics are two different institutions but are difficult to separate. Even though in 1900 Frank J. Goodnow, through his book entitled *Politics and Administration*, tried to provide a clear distinction regarding the separation of the two through the political-administrative dichotomy paradigm (Goodnow, 2003), it seems that the boundaries he envisioned have become blurred in today's modern government arena. Instead of forming a demarcation between policy formulators and implementers, the relationship that is built between politics and administration actually becomes more dynamic. In terms of policy

design, good policy making is capable of formulating policy rationales that are consistent with high expectations for achieving policy goals. There are at least four challenges inherent in making good policies, namely: first, informed design through the collection of scientific evidence and past experience as well as normative background; second, internal consistency of policy rationale; third, external consistency based on context analysis, cross-sectoral issues and political feasibility; and fourth, policy suitability with available resources. Strong administrative capacity is the bureaucracy's ability to gather the skills necessary to meet these four challenges (Aubinet et al., 2017).

The commonly held assumption about the role of the bureaucracy in the policy process is that the advice from the bureaucracy is based on experience and needs analysis rather than the exaggerated response to public demands that is commonly found in politicians (Bozeman et al., 1982). Furthermore, West (2005), links the advantages of bureaucracy and policy advice through the image of "neutral competence" which is more based on the application of objectivity and analysis of expertise.

This was also confirmed by Eric (2011) who said that the role of the bureaucracy as a policy adviser should not be a reaction and response to demands formulated by civil society. In other words, the bureaucracy has attributes that provide independence from social and political pressures but act based on analysis of expertise for the long term goals of society. In short, advice giving by the bureaucracy must be developed from analysis and not from demands coming from social or political groups. Aberbach (2003) argues, bureaucratic independence should work with a long-term perspective because bureaucracy is designed with long-term goals in mind. Taking into account the available budget, bureaucratic information processing tends to be more careful and unresponsive and trusts more analysis that emerges from administrative experience (Eric, 2011).

Weber's bureaucratic theory, this theory emerged to solve the limitations of classical theory and the theory of human relations which on the other hand are contradictory and contradictory. Thus, Weber elevated this rationalist theory through an efficient approach, applicable to factories and other forms of human organization. Maximilian Weber (1864-1920) was a German philosopher, economist, jurist, historian, political scientist and sociologist. He is considered the founder of the modern study of sociology and public administration. Weber began a systematic study of bureaucracy. He developed a series of observations regarding it and

In his theory of bureaucracy, Weber gave rise to 3 types of society according to their characteristics:

- a. Traditional society i.e. Patriarchy and heritage (eg, family) are prominent.
- b. Charismatic societies are more mystical, arbitrary, and personalistic characteristics are prominent (eg, political parties).
- c. Societies that are bureaucratic, rational or legal are more likely to emphasize impersonal rules and rationality (eg large corporations). From there he explained his theory of bureaucracy.

Likewise, Weber defined three types of legitimate authority: traditional authority, charismatic authority and legal, rational or bureaucratic authority, typical of his theory. Weber's bureaucratic theory raises three basic ideas that characterize bureaucracy:

- a) The legal nature of rules and regulations is that there are a number of rules and regulations written in the bureaucracy, which are explained in detail and rationally.

This is in accordance with the purpose of bureaucracy. Thus, the bureaucracy is based on its own laws that define its operations.

- b) Impersonality All administrative rules, decisions and matters will be formulated and recorded in writing. The worker will fulfill his duties impersonally.
- c) The hierarchy of authority is the legislation under discussion consisting of a series of abstract rules that are determined rationally and deliberately. Subjects who have authority have a series of functions, rights and obligations. This subject has power because of its position. On the other hand, a subject who obeys authority does so because the law dictates, and not because he obeys the will of the boss.
- d) The professionalism and rationality of each professional will be selected for their level of preparation and specialization in the matter. The work to be carried out will be considered as a career in which a person can be promoted (promoted) according to his seniority, capacity and technical knowledge.
- e) The maximum division of labor exists in a series of positions of power in a bureaucratic organization. Each position of power obeys a set of competencies, which are separated from a set of rules. Positions are organized hierarchically; thus, each position is under the control and supervision of a superior position. Each subject would be responsible for their decisions and actions, as well as those of their subordinates.
- f) The establishment of rules regulates the behavior of workers. Each is applied to each particular case and situation in a coherent way.

2.4 Neutrality of State Civil Apparatus (ASN)

Neutrality is one of several important principles in a form of carrying out tasks in the public service sector, the task of government and the task of development. Every State Civil Apparatus is required to maintain its neutrality with the aim of being able to carry out its duties as a professional state civil apparatus. To be able to uphold the principle of neutrality within the State Civil Apparatus, the government has issued a number of regulations both in the form of laws and government regulations. But even so, the level of violations that occurred against the principle of neutrality among ASN employees was still high, especially ahead of the simultaneous local elections that took place.

The impact that is feared from the non-neutrality of State Civil Apparatus employees is that it can cause partiality or injustice in serving the community as well as in terms of policy making which will eventually cause a big loss for society as a whole.

Neutrality comes from the word "Neutral" which literally means impartial (not following or not supporting one party). A person can be called neutral if he does not take sides or has an inclination of two or more people who have political interests or in other examples side with an organization or institution in determining certain matters, for example, the organization of a political party. Meanwhile, neutral words are also called:

- a. The attitude of not taking sides with one group, political party, organizational group,
- b. Not being discriminatory.
- c. Sterile or clean from group interests.
- d. Cannot or is not easily influenced by the interests of political parties. (Eko 2006)

The non-neutrality of State Civil Service employees can have an impact on a form of partiality or can even cause injustice in policy making for service activities which in the end will result in major losses for society at large. maximum public service. This was

communicated by Sofian Effendi that "neutrality refers to the nature of being unprejudiced which means being cool-headed, fair and most importantly must be reasonable and not agree with anyone, in political matters, but also openly beneficial (not oppressive), as far as make a strategy (not for a particular group), and ASN (implement the merit framework)". Then, in full, some parts of neutrality :

- a. Neutrality in public service,
- b. Neutrality in political activities,
- c. Neutrality in ASN management
- d. Neutrality in a decision making and policy making.

The conceptual framework regarding the neutrality of the State Civil Apparatus insofar as it is still strongly related when it is linked to the political aspect. ASN are expected to continue to maintain and maintain solidarity and team spirit in responding to political situations which often shake the existing principle of neutrality, both before, during and after the campaign period and are expected to continue to be able to comply with and comply with statutory regulations and official regulations. has been set. The roles that must be carried out by the State Civil Apparatus are:

- a. As a policy implementer of the rules and regulations that have been set by the government. Therefore, to carry out the tasks that have been assigned, the neutrality of ASN is very necessary.
- b. Carry out public service management exams. The measures used to assess and quantify this work are the extent to which regions are satisfied and disappointed with the services provided by ASN.
- c. Government employees should have options for dealing with public authorities. This means that the services that can be accessed by public authorities are the main capacity of government employees, where every approach taken by public authorities must be widely felt by every government employee so that they tend to be carried out and linked to the organization's goals. strategy. (Akny, 2014)

2.5 Bureaucratic Political Theory

According to B Guys Peters (2001), bureaucracy is proven to have four main sources of power, namely articulation of interests, political support, high social status, and decision making. Then it is explained through the four proposals that were developed, namely: stating that there are at least four functions that appear in bureaucracy when viewed from its relationship with politics, namely; administrative function, public interest articulation function, political stability function and function as policy adviser.

Particularly in its function as a policy adviser, the bureaucracy is an important actor that is often overlooked in the policy process. Ideally, the bureaucracy has a role as a mediator between interest groups and political officials in public policy formulation. This is because in the bureaucracy there is an accumulation of internal knowledge and external issues regarding the policy sector rather than other stakeholders so that it can contribute to the formulation of better public policies by assuming that good policy making relies on strong administrative capacity.

1. The government/executive consists of a number of organizations and individuals with different goals and agendas
2. There is no dominant government actor and he can act alone/act unilaterally

3. Final decisions on political outcomes or competitive outcomes and compromises of the political policy process
4. There is a difference between policy formulation and implementation or decision making.

Public bureaucracy is classified in this paradigm as one of the actors who have position, influence and role in the political process of policy making and legislation as well as budget compromise and lobbying. The study of the paradigm of bureaucratic politics from the perspective of Graham Allison discussed by Frederickson in his book *The Public Administration Theory Primer* suggests that bureaucratic political theory in general is a theory that explains the role of administration and bureaucracy in the process of formulating public policies. At the same time, he rejected the dichotomy between administration and politics. The emergence of bureaucratic politics originates from empirical facts about the role and behavior of politics in the bureaucracy. This theory was developed with an attitude of understanding that management is not just a technical and value-free activity and separate from politics, with a different understanding in line with D. Waldo's view that management is politics.

The bureaucratic political paradigm explains that government actions are the result of negotiations and compromises between various organizational elements in government, which can be interpreted as bureaucracy with political power. The position of the bureaucracy is politically strong because it has a complete source of power. One of the implications of bureaucratic politics as in Allison Model III's opinion is that it is too limited in scope rather than too ambitious. In particular, Allison's framework leaves out important organizational issues, as most of the studies the framework attempts to synthesize, focusing almost exclusively on brand executives. There are two key organizational dimensions of bureaucratic political theory:

- a. Related to behavior. The main aim here is to explain why bureaucrats and bureaucrats do what they do. The general assumption is that the bureaucracy oversees important public tasks and makes many policies. but they only have clear statutory guidelines. When official institutions are responsible for the goals of public institutions, this explains only part of what bureaucracies do and why they do it.
- b. Related to the institutional structure and distribution of power. The main aim here is to understand how the official bureaucratic channels of their authority relate to other institutions, and the political agendas under their jurisdiction combine to determine the relative political influence of different political actors.
- c. Bureaucratic politics in policy making, also introduced by Woodrow Wilson with policy management theory, said that politics as part of political bureaucratic control cannot be separated from existence.

Mustopadjijaja (2003) suggests that political success in bureaucracy is determined by many factors, one of the dominant factors currently being addressed is "bureaucratic reform", in the sense that every bureaucratic problem increases the value of state apparatus services that citizens need in realizing clean and clean government. good governance to renew and justify the various dimensions of values contained in our country's constitution in accordance with their respective positions and roles in the state and society. Furthermore, Mustopadjijaja noted, bureaucratic reform is conceptually limited to public affairs policies handled by the bureaucracy, and in reality bureaucratic political interactions are prioritized on things or relationships with existing institutions in society and the world of services that can be developed on both sides, in within and between bureaucracies, businesses, and society.

Bureaucracy and politics are two different institutions but difficult to separate. Both of them mutually contribute to the implementation of good local governance. Political and bureaucratic institutions carry out a process of checks and balances so that they are always in the corridor of the essence of regional autonomy.

In ordinary society, bureaucratic terminology has an unfavorable connotation. The term bureaucracy is often understood as convoluted work procedures, slow service processes, ineffective and inefficient work mechanisms, and a source of abuse of position and authority. Moerdiono in his writings once stated that, the term bureaucracy basically has a neutral connotation to indicate the characteristics of a large organization, but has been mistakenly understood as a bad measure, even though Max Weber, who is understood as an expert in all reviews of bureaucracy, also shows this side. bureaucracy is positive, but the negative side is more prominent when people hear this term.

There are differences between bureaucratic and political positions. Political positions are appointed through elections, while bureaucratic positions require certain qualifications. Political positions have a term of office of five years, while bureaucratic positions are for life. The nature of political positions can be dismissed at any time, while the bureaucracy cannot do so unless the bureaucrat asks. If political positions are responsible to constituents, bureaucrat positions are responsible to the state. Politics as bureaucratic control must be implemented on the basis of moral values from a statesman's perspective in such a way that the behavior of state administrators does not affect personal interests or certain social groups. placing policy as the main force for the welfare of society, so that politics under bureaucratic control is not an effort of personal interests or certain groups who sincerely and responsibly prioritize the public interest above personal/group interests. not separate.

3 Method

The type used in this study is a qualitative method. Qualitative method is a term related to a series of ways or techniques that involve observation, participation, interviews both individuals and groups. This type of research will explain how the role of the State Civil Apparatus (ASN) towards Non-Neutrality in the Regional Head Election of South Konawe Regency and What are the forms of Non-Neutrality of the State Civil Apparatus (ASN) in the 2020 South Konawe Regency Regional Head Election. Based on the characteristics of the problem, the research method that will be used is qualitative with a descriptive approach. The descriptive approach examines the context as a whole, interactions with participants and collects data directly on participants and relies on descriptive data. This is in line with what was stated by Moleong (2000:1).

Determination of informants was done purposively (pusposive sampling). The data sources used in this study are primary data sources and secondary data sources. Data collection techniques were carried out by interviews, observation, and literature studies, and documentation. The data analysis technique used in this study is as described by Miles and Huberman (1992:20), namely data collection, data reduction, data presentation, and drawing conclusions (Sugiyono, 2007).

4 Findings and Discussion

4.1 The Gait of the State Civil Apparatus Leads to Non-neutrality

Gait is defined as an action/activity as well as a person's ability to work towards his institution. Gait always goes hand in hand with activity and productivity. The work of the nagara civil apparatus towards non-neutrality is an activity carried out by ASNs that is not based on applicable laws, the actions they took in the regional head election contestation in South Konawe Regency in 2020 were very deviant and out of their nature as civil servants country. It was noted that state civil servants who were reported for alleged cases of violations of ASN's non-neutrality included more than 13 cases of findings and also reports at the election supervisory body (Bawaslu).

According to the results of an interview with Mrs Hasni S.TI,.M.H, 44 years old as Chair of the Election Supervisory Board (Bawaslu) in South Konawe Regency

"The 2020 regional head elections have of course been carried out, the violations that occurred have also been recorded and arranged in accordance with existing regulations. Regarding violations of ASN involvement in South Konawe Regency during the 2020 regional head election, the reports of involvement that came in varied from using social media, attending thanksgiving events for candidate pairs, campaigning for candidate pairs. However, most of it was the use of social media, such as liking posts by candidate pairs and then the actions taken by Bawaslu at that time as an election monitoring agency, recorded, reported and then took action until it was finished. Violations that occurred included carrying out online media campaigns, openly supporting social media accounts, joining the campaign team and also joining Facebook social media groups (interview January 9 2023)

The same thing was expressed by Mr. Ahmad Ruanto, S.Si as the village head in Palangga sub-district, South Konawe Regency

"There are a lot of problems involving involvement, especially state civil servants who have relationships, work relationships and interests, these are three things that cannot be avoided because they are interrelated. For example, we are in the position of being a subordinate, so if there are directions from our superiors, we have to carry them out"

From the results of the interviews above I can conclude that the influence that arises is more on the hierarchy in which they as members/employees who are regulated by superiors who have high power must follow the directions from their superiors. Because if they don't do their job it could result in their position. However, on the other hand, they as public servants must obey and comply with applicable regulations.

The same thing was expressed by Mr. Hamiludin S, Pd, 35 years old as a school principal in South Konawe Regency

"The use of social media is indeed categorized as a trivial task/activity, but this triggers the non-neutrality of an ASN. Because this results in support being carried out through social media, more on the factor of being used to actively using social media, right?"

From the results of the interview above, it was found that in the 2020 regional head election there were findings of very significant alleged violations of the non-neutrality of ASN in South Konawe Regency. There are many allegations of violations with different actions, then the initial step taken by Bawaslu is to call on all state civil apparatus not to interfere in supporting candidate pairs, be it supporting on social media/online or in person. Factors that trigger ASN's non-neutrality in supporting candidate pairs by means of promotions on online social media accounts and even direct support. Then Mrs. Yanti as the 34 year old village head revealed that

“The neutrality of a public official must indeed be increased, because this is an obligation for us. I also apply an appeal not to interfere in political contestation, from some village heads who are reported to have taken action, of course they have to think about the consequences they will get” (13 December 2022)

Small action matters that are considered trivial and become one of the habits that are carried out are small actions that need to be monitored further, this is intended for parties who are required to be neutral such as civil servants, village heads and their officials besides benefiting one party it damages the quality of the bureaucracy and public officials in terms of maintaining their neutrality as public servants is of course still a special note of the progress of the state civil apparatus which leads to non-neutrality. Then the small actions that are discovered over time will become big initiatives such as campaigning for candidate pairs either in secret or openly.

4.2 Forms of ASN Non-Neutrality

Bureaucracy is often easily used as the personification of the state. Rural communities are a group of citizens or voters whose choices are very easy to manipulate in regional elections. By involving the bureaucracy or bureaucrats in regional elections, you become: a success team, a campaign participant and others. they can use the name of state institutions to seduce or even intimidate citizens. With the obedience of citizens to do what they have to do at the behest of the bureaucracy/bureaucrats. Therefore, this is one of the reasons why they are easily involved or invited to be involved in regional elections.

According to Mrs. Hasni S.TI.,M.H, 44 years old, chair of the Election Supervisory Body in South Konawe Regency

"The factors causing non-neutrality of ASN are interests, position proportions and promotions. Things like this have become a common feeling related to unprofessional actions as an ASN who should be neutral, apart from that village heads and village officials who take actions that lead to non-neutrality are also found to the point where the report is at the stage of a criminal verdict of 1 month in prison, namely wrongdoing. one village head in Lainea subdistrict and village secretary in Palangga subdistrict" (interview January 9 2023)

According to Mr. Hamiludin, he is 35 years old and is a school principal in South Konawe Regency

"More on the true motives of the perpetrators, if he is aware that his attitude and actions must be in line with the law, it is impossible for him to take an action that he actually already knows is prohibited, moreover, everyone has different views in taking action. don't think about it at all. "Other people are joining, he's also joining, here and there if you want to get everything" (interview 14 December 2022)

From the results of the interviews we see that the facts that occurred in the field were not arbitrary as public opinion because in reality the alleged violation of ASN's non-neutrality did exist. However, they also tried not to show it, this incident reflects that our ASN still do not understand and are aware of the rules that bind them as state civil servants. As said by Mr. Herman, 37 years old, a teacher at a high school in South Konawe district

"If the form is more about stance, what's more, ASN is not allowed to get involved in political contexts. Focus only on performance and duties as a public service in accordance with applicable laws" (interview 12 December 2022)

Then Ibu Yanti, the 34 year old village head, revealed that one form of ASN non-neutrality was as follows

"All the actions that have been taken are clearly regulated by law, especially during the regional elections, public officials such as village heads are warned to behave appropriately, but sometimes we have behaved soberly but are still involved, most of what happens, the result is reported" (interview December 13, 2022)

The non-neutral forms of the work of the state civil apparatus during the 2020 regional head elections lead to how their political support, articulation of interests and promotions/advancements are used by the pair of candidates. Behind that, there are also several motives for the actions they take. The following are forms of ASN non-neutrality.

4.3 Political Support

Political support is essential in the contestation of a democratic party which refers to three things, namely there must be competition in the sense of getting a public position in elections or regional head elections, apart from that political support requires participation in order to influence government policy, and finally political support carried out freely whether it is free to express opinions, not obstructing it and without interference in supporting it. Supervision in political support is focused on parties who are required to act fairly and must be neutral, there are several parties such as election organizers, election supervisory bodies, public officials, state civil servants, TNI/POLRI in accordance with applicable provisions and regulations, they are institutions that are required to be neutral. Of the many parties who are required to be neutral in providing political support, namely the state civil apparatus where ASNs are prohibited from providing support to candidate pairs which will have an impact on the continuity and smoothness of regional head elections.

The regional head elections that were held in South Konawe Regency drew records regarding support from state civil servants which were classified as based on familial relationships, relationships with the government, namely to obtain promotions to positions that would be given. In this research, the political support provided by state civil servants has

received responses from various parties as stated by Mrs. Hasni S.TI.,M.H as head of the Election Supervisory Board in South Konawe Regency

"It can be said that since the first stage began, I anticipated that state civil servants must act neutrally, impartially, not play behind their backs, especially for public officials such as village heads and their officials, for this reason I am making this appeal to ensure the continuity of regional head elections. can be carried out according to applicable regulations" (interview 9 January 2023)

The same was conveyed by Mr. Hamiludin, 35 years old, as the principal of a school in South Konawe Regency

"Sometimes the fate of being an ASN who is required to be neutral during regional head elections has an impact on position/position. "This is very influential because the one who holds the power is of course the superior, while we, who are just subordinates, get things wrong when we don't participate in carrying out the tasks given" (interview 14 December 2023)

The above statement shows that everything that the state civil apparatus does outside of the rules and is beneficial or detrimental to other parties is included in the violation of the non-neutrality of the state civil apparatus. Actions to provide political support to candidate pairs are always based on intervention from superiors, apart from that there is also an interest in getting promotions. The situation felt by the state civil servants is very confusing, where ASN who should be neutral are actually being pulled to participate in providing political support because it is their superiors who hold full power. If we analyze the actions carried out by the ASN state civil servants during the 2020 regional head election in South Konawe district, it was more about support on social media, Facebook, the campaign team groups for each pair of candidates. Then a different opinion was expressed by Mr. Herman as a teacher at a high school in Konawe Selatan Regency he revealed that:

"Supervision has been carried out for all employees and it must be done, there is no interference, intervention and even more inclined to act normal if there is an offer that requires us to side with a candidate pair" (interview 12 December 2023)

According to the results of the interview, he emphasized that ASN must act normally when receiving the lure of a promotion by their superiors, this is because the attitudes and actions that must be taken as state civil servants must be neutral, impartial/supportive because such a thing is an action that can harm others. Then Mrs. Yanti as the 34 year old village head revealed that

"I know this support buys our votes to choose a partner, right as ASN we also have the right to vote, as long as the act of support is not openly or only we know, it doesn't matter" (interview 13 December 2022)

From the interview results above, the form of political support is the participation of election/local election participants in offering jobs or positions to ASN so that the neutrality of the bureaucracy is tested. The test of having an offer during a democratic party really makes the state civil apparatus in a dilemma about its position because the political support that

should be carried out by ASN is an effort to comply with applicable regulations and then carry out their duties and obligations in accordance with applicable laws.

4.3 Interest Articulation

Bureaucracy is often helpful in articulating interests. The bureaucracy relates to interest groups through the task of implementing policies and their involvement in the Bureaucratic Function. This is sometimes seen as particularly important in developing countries, where the existence of a professional bureaucracy can provide assurance that government is carried out in an orderly and reliable manner. This is similar to how most of the bureaucracy is used as the main source of policy information available to the government. This policy role helps differentiate high-level civil servants (who have regular contact with politicians and act as policy advisors) from mid-level civil servants (who deal with more routine administrative matters).

According to the results of an interview with Mrs. Hasni S.TI.,M.H, 44 years old as chairman of the Election Supervisory Board in South Konawe Regency

Regarding how this articulation of interests is used due to the lack of legal regulations for cases of non-neutrality of ASN, let us measure it by the number of cases of alleged violations that were discovered or reported to Bawaslu during regional head elections, many of which were not continued, with no response from the government. More precisely, we are under strict supervision to prevent violations, but when processed, only part of our reports and findings are processed and accepted, for what reason? Because all processes are returned to the local government" (interview 9 January 2023)

This is the same as what was conveyed by Mr. Hamiludin, 35, as a school principal in South Konawe Regency

"The category of non-neutrality of ASN can be measured by how ASN determines their voting rights. If the determination of the voting rights of state civil servants is carried out openly then acting to support a candidate pair only for personal interests will have consequences for themselves. Things like this are no longer a secret but things like this do happen. It can be likened to the wind, where the wind is indeed invisible but can be felt" (interview 14 December 2023)

Herman as a teacher at a high school in South Konawe Regency revealed that:

"The benchmark for ASN's strength can be seen here, where when there is an alleged violation that ensnares state civil servants who hold high level positions, the case will not be processed, whereas if there is a case that ensnares middle class ASN, of course they will immediately be punished" (interview 12 December 2023)

The level of ASN's strength can be seen from how powerful it is and how strong it is in the government. If the report or findings ensnare ASN in a high position of power then the final stage of the process only reaches a decision of reprimand, which is different for state civil servants who do not have high positions or middle class ASN. they are easier to take advantage of with snares that lead to criminal decisions.

4.4 Promot / Promotion

Promotion of candidate pairs is the culmination of the many cases of involvement in which state civil servants promote candidate pairs, in other words, the position of state civil servants at the time of regional head elections lies in the decisions and support they make, because basically the candidates have the most potential to direct and take advantage of civil servants. the state is the incumbent because the incumbent still holds the wheel of control by using government/state facilities, utilizing ASN to engage in practical politics, including efforts by incumbents to utilize village heads in directing community support. This involvement has several factors, namely the lure of positions and promotions so that the non-neutrality of ASN is tested by the promises of the candidate pairs or parties they support.

The 2020 simultaneous local election contestation in South Konawe Regency was highlighted by various modes that became findings in political practice, starting from the mobilization of funding for candidates to compensation for wet positions. Even though it is clearly regulated in the ASN law which is the main engine of the bureaucracy that should stem any form of momentary interest in any government becoming a potential violation for ASN.

According to the results of an interview with Mrs. Hasni S.TI.,M.H, 44 years old as chairman of the Election Supervisory Board in South Konawe Regency

"Ideally, the neutrality of ASN should be an alarm in the 2020 simultaneous regional elections, in particular, then the alarm has been overheard because of the findings of non-neutrality, of course we have clarified, then verified and also collected evidence for the alleged violation and then followed up by PPK, meaning officials This staffing supervisor and governor mayor or regent. The facts related to the violations that occurred during the 2020 Pilkada period are the mobilization of funds for candidates, there is also the lure of positions or wet positions because these modes are still very prominent among the public. Then what is very interesting is that the perpetrators of violations are ASNs who have high positions. Like the heads of departments, heads of agencies and so on, of course they have the potential to mobilize human resources even though it is clear that ASN must be neutral in the sense that it cannot take sides and then what must be free from conflicts of interest from political intervention and must also be fair and be neutral" (interview 9 January 2023)

She continued, Mrs. Hasni S.TI.,M.H is 44 years old as chairman of the Election Supervisory Board in South Konawe Regency

"The approach is that there are two laws, the first is administrative law, this is implemented through a process that is discovered and reported to Bawaslu, leading to the government imposing administrative sanctions. Apart from administrative sanctions, there are also criminal sanctions under Article 188, the essence of which is that ASNs are prohibited from committing acts or taking actions that benefit or harm one of the candidate pairs. Actions like this are followed up by Sentra gakkumdu" (interview 9 January 2023)

Implementing the ASN position is indeed not easy. From the results of the interview above, it can be concluded that all things related to regulations and simple rules in disabling ASN neutrality, there are many factors. Firstly, from the regulatory side, there is indeed a

condition that is not easy for them to enforce ASN neutrality. Then, the civil service development officer (PPK) is still held by the regional head, so there are several enforcement actions that have stalled because the response has not been as expected.

As there is no follow-up on cases that have been processed and reported. State civil servants are positions that are truly guaranteed by the state because they are the State Apparatus, the main bureaucratic machine that serves the State. However, during the election of regional heads, the state civil apparatus is used in political practice in two ways: first, from the candidate's side, who has the intention to use ASN as a winning machine, either actively or passively, if active, it means that the ASN is asked to carry out activities of a similar nature. being proactive in winning works, one of which is using existing authority.

Secondly, the ASN is contributing himself in the political context, in other words, the regional elections are an instrument for promotion and it is hoped that if he is deemed to be sweating to win the candidate and the candidate is elected, there will be incentives or benefits that will benefit the ASN to get the position he wants. .

These two things are challenges for ASN circles when the regional head election process is carried out. Of course this situation is not easy for them and also for law enforcement, because the applicable regulations and rules are still very lacking, Bawaslu's efforts in monitoring by moving ASN neutrality towards their awareness, however ASN is again positioned as a figure who has influence and is symbolized as a person with power. As we can see in the field of supervision, it is not easy if, for example, you only rely on the community in building synergy with Bawaslu because there are several institutions that have a role. It remains only to expand this movement to involve many stakeholders and the most important thing is to provide a deterrent effect to the PPK of civil service management officials who do not want to follow up on KSN recommendations

4.5 Results of Non-neutrality Lead to Criminal Decisions

According to B Guys Peters (2001), bureaucracy is proven to have four main sources of power, namely articulation of interests, political support, high social status, and decision making. Then it is explained through the four proposals that were developed, namely: stating that there are at least four functions that appear in bureaucracy when viewed from its relationship with politics, namely; administrative function, public interest articulation function, political stability function and function as policy adviser.

Particularly in its function as a policy adviser, the bureaucracy is an important actor that is often overlooked in the policy process. Ideally, the bureaucracy has a role as a mediator between interest groups and political officials in public policy formulation. This is because in the bureaucracy there is an accumulation of internal knowledge and external issues regarding the policy sector than other stakeholders so that it can contribute to the formulation of public policies better by assuming that good policy making relies on strong administrative capacity.

1. The government/executive consists of a number of organizations and individuals with different goals and agendas
2. There is no dominant government actor and he can act alone/act unilaterally
3. Final decisions on political outcomes or competitive outcomes and compromises of the political policy process
4. There is a difference between policy formulation and implementation or decision making.

The phenomenon related to the involvement of state civil servants during the 2020 regional head election was found in almost all stages of the election, both the stages of forming the District Election Committee (PPK) and the Voting Committee (PPS), updating voter data, registration and candidacy, and peaking at most found during the Campaign stage. The cases of involvement found are of course very diverse with different results. The involvement of ASN found in South Konawe Regency in 2020 is categorized as a violation belonging to two, namely findings and reports, now from this alleged involvement it is then included in Bawaslu and processed in accordance with the provisions as to what actions the ASN took, if the actions carried out are included in the the category of offenders such as benefiting or harming one of the parties will be forwarded to the State Civil Apparatus Commission (KASN), the follow-up of this KASN will then have an impact on the next process which is in the form of a decision in the form of sanctions in accordance with the actions/actions and finally how the sanctions will be given to those concerned after a decision letter from the South Konawe Regency government has been issued.

According to Mrs. Hasni S.TI.,M.H, 44 years old, chair of the Election Supervisory Body in South Konawe Regency

“Our efforts as an election supervisory body are entrusted with overseeing the stages, violations, so that democratic elections are created. However, this is what is happening in the field, the phenomenon of violations that we found are the non-neutrality of ASNs liking photos of candidate pairs the most, promotion on social media/mass media, participating in friendly gatherings, supporting because of their family, supporting because they want a promotion, there is an appointment for candidate pairs, all of that. occurs and is stated in Form A of supervision. This form of supervision is still a form of alleged violations that are processed by Bawaslu, whether it contains evidence, witnesses, which must be fulfilled” (interview January 9, 2023)

According to Mr. Hamiludin, he is 35 years old and is a school principal in South Konawe Regency

"The process carried out in terms of ASN's involvement often confuses us, because on the one hand we have to be neutral but we are always being dragged into participating in political contestation, as is the case with the many cases reported regarding alleged ASN violations, right because they act inappropriately? according to the rules” (interview December 14, 2022)

From the interview above, it can be concluded that from the many efforts and efforts made by the election supervisory body regarding alleged violations that resulted in the report, ASN was sentenced according to his actions in order to awaken state civil servants to work professionally in accordance with the ASN law. The punishment received by ASN is in the form of a criminal sanction of one month in prison. This was also known by 37 year old Mr. Herman as a high school teacher in South Konawe Regency, where he revealed that:

"I have also heard of cases of ASN involvement in which the ASN campaigned openly, all of which had an impact on the ASN itself plus a lack of closeness with the government, because in suspected cases like this, if the ASN is strong, the case will definitely not be processed, only until KASN reprimands, try if the ASN is weak, they

will be punished and will be prosecuted until they are sentenced to prison" (interview 12 December 2022)

The following are two names of State Civil Apparatuses whose cases have been proven formally and materially and have reached the decision stage:

Decision Number 120/PID.SUS/2020/PT KDI The Southeast Sulawesi High Court in Kendari which tried criminal cases at the appellate level court has rendered a decision in the defendant's case on behalf of Ahmad Ruanto, S.Si alias Unto Bin Tamrin Polingai as follows:

The decision of the Andoolo District Court Number 1/Pid./2020/PN Adl dated 12 November 2020 merely regarding the sentence handed down to the defendant, so the full order reads as follows:

1. Declare the defendant Ahmad Ruanto, S.Si alias Unto Bin Tamrin Polingai proven legally and convincingly guilty of committing a crime - As a State Civil Apparatus Official he deliberately made a decision or action that favored one of the candidates, as a single charge;
2. Sentenced the defendant for that reason to imprisonment for 1 (one) month;
3. Determine the evidence in the form of 1 (one) Unit of Android mobile phone in the color of the Samsung brand with the model number SM-A515F/dsn, serial number RR8N306HK7E, IMEI number slot 1 353680112601093, IMEI number slot 2 353681112601091
4. 1 (one) Telkomsel SIM card with number 085231686188 returned to Akbar Abu Sakti 1 (one) photocopy of Konawe Selatan Regent Decree Number: 973 of 2008, September 1, 2008 concerning the appointment of a Civil Servant on behalf of Ahmad Ruanto who has ratified;
5. 1 (one) copy of the Decree of the South Konawe Regent Number: 820/132/2019, ladder; 08 March 2019 Concerning the inauguration of Civil Servants at Echelon IV-a (lurah) Positions in the Scope of the South Konawe Regency Government which has been ratified
6. 1 (one) copy of the attached list of the Regent's Decree
7. Charge the defendant at both levels of court at the appeal level Rp. 5,000.00 (five thousand Rupiah)

Meanwhile, in the case of re-engagement, it was found posting pictures of the Candidates for Regent & Deputy Regent, Namely the Voting Candidate Pair (Surunuddin-Rasyid) posted by P Mustari Wa. After conducting a search related to P Mustari Wa & P Jumadil staff, where the two were allegedly is a State Civil Apparatus on duty in the district. Lainea, from the search results on behalf of P Mustari Wa is a State Civil Apparatus on behalf of MUSTARI, S.Sos with NIP.196904282009061003. served as head of the Public Service Section of the District Government. The other person concerned is located in Pangan Jaya Village, Lainea District.

Decision Number 121/PID.SUS/2020/PT KDI Southeast Sulawesi High Court which tried the case at the appeal level, has rendered the following decision in the case of defendant Mustari, S.Sos Bin Sampur Alias Mustari with the Andoolo District Court Decision dated 12 November 2020 Number 2/Pid.Sus/2020/PN.AdI, what is being requested for the appeal is simply about the length of the sentence, so the full order reads as follows:

1. Declare the Defendant Mustari, S.Sos Bin Sampur alias Mustari legally and convincingly proven guilty of committing a criminal act _las an official of the State Civil Apparatus, deliberately making decisions or actions that benefit one pair of candidates
2. Convict the Defendant for that with imprisonment for 1 (one) month;
3. Establish evidence in the form of: 1 (one) unit white Android mobile phone, brand Vivo Model Number V2027, IMEI Number Slot 1 : 864043057819570. IMEI Number Slot 2 : 864043057819562;
4. 1 (one) copy of Peyikan Decree of the South Konawe Regent, Number: 820/004/2020 dated 7 January 2020 concerning appointment
5. Civil Servant in the position of Supervisor of Echelon IV-a Scope of Government of Konawe Selata Regency, which has been approved by the Head of General Planning and Personnel Agency of the Personnel Agency and Human Resources development of South Konawe Regency on behalf of Sunarjos. L, S.H; Attached with the case file; Charged the defendant to pay court costs in the amount of Rp. 5,000.00-(Five Ribu Rupiah).

The two cases of involvement of state civil servants found in South Konawe Regency in the regional elections are of particular note that the level of supervision carried out is really carried out, things like this should be a consideration that ASN must uphold firmly so that they never do things that are will harm himself and many people around him. ASN professionalism during regional head elections must be maintained and maintained as well as possible because it will affect the quality of regional elections that are held democratically in the future. The victories achieved by the candidate pairs were also inseparable from the involvement of ASN and assistance from village officials. this involvement is more dominant in the pair number (1) and (2), but in terms of presentation, higher involvement leads to incumbents. The cases of ASN involvement in Kubuh Petahana, namely: one of the village heads in Palangga District, Ahmad Ruanto and the head of a section in the Lainea Mustari District government, proved not to be neutral by participating in campaigning for the candidate pair. Why is that because the result of the decision convicts two state civil servants based on the case of campaigning/supporting candidate pair number 2, namely the incumbent. This case of alleged involvement resulted in a high court decision and the two ASNs were sentenced to 1 month in prison.

5 Conclusion and Recommendation

5.1 Conclusion

After conducting research and in-depth interviews with informants in South Konawe Regency regarding the progress of the state civil apparatus which leads to non-neutrality, it can be concluded as follows:

First, the progress of the state civil apparatus leads to non-neutrality. The regional head election was held on December 9, 2020 with various dynamics in it, as can be seen from the stages that were prepared which took a long time with various findings and reports of violations related to the neutrality of the state civil apparatus. The neutrality required during the regional head election process was still tarnished and led to another direction, the progress of the state civil apparatus during the regional head election in South Konawe Regency in

2020 is heading towards non-neutrality. In almost all stages of the 2020 regional head election in South Konawe Regency, cases of alleged violations of ASN neutrality were found, such as at the registration stage for election organizers, the Voting Committee (PPS) and the District Election Committee (PPK), updating voter data (DPT), nomination and partner registration stages, candidates and campaign stages.

Second, the forms of cases of non-neutrality that occur most often and are most frequently found are promoting candidate pairs on social/mass media, political support provided in the form of uploads in the form of support, sharing posts by candidate pairs, liking posts and even providing comments expressing support. Then the case related to the village heads who joined the candidate pair friendly gathering, then participated directly in the campaign process directly, promotions were carried out by inviting the public to support the candidate pairs and closed with the results of the decision of 2 ASNs who supported the incumbent to get a prison sentence. 1 month with a fine of Rp. 500,000.00

5.2 Recommendation

From the conclusions obtained from the interpretation and data analysis carried out by the author, in this research the author proposes several suggestions for the Election Supervisory Body, State Civil Apparatus and the Government. Improving the quality of supervision by the Election Supervisory Body on social media/mass media for state civil servants who still arbitrarily use their median social accounts. So that in the future all uploads and posts that can benefit one party and harm another party can be handled properly. Maintaining neutrality as a State Civil Apparatus, as a public service, of course ASN is required to be fair, and all of this is stated in the law. It is hoped that all actions taken are in accordance with what is said so that the democratic party, whether elections or regional elections, can be held well, with no more ASN interference in it.

References

- [1] B. Guy Peters, *The Politics of Bureaucracy*, 2001, 5th Ed., London : Routledge.
- [2] Giffariyansa et al 2021. *Portrait of the 2020 Simultaneous Local Elections Amid the Covid-19 Pandemic in Southeast Sulawesi Province*, Kendari, Literacy Institute.
- [3] Joko J. Prihatmoko 2005 . *Direct Regional Head Election*. Yogyakarta :
- [4] Moleong, Lexy J, 2007. *Qualitative Research Methodology*. Bandung: PT. Rosdakarya youth
- [5] Mustopadidjaja AR, 2003, *Bureaucratic Control in the Politics of Indonesian Governance*,
- [6] Prasojo, Eko. 2006. *Unravel the tangled threads of bureaucracy*. Depok. Piramedia (first printed on August 1, 2006. Student Library Publisher.
- [7] Yusdianto 2010, *Identification of Potential Regional Head Election Violations (Pemilukada) and Mechanisms for Settlement*,
- [8] Astomo. (2014). *Proposal to Improve Smart Light Product Planning Using the Design For Assembly (DFA) Method*. Thesis. Faculty of Industrial Technology, Industrial Engineering, East Java "Veteran" National Development University
- [9] Akny, A. B. (2014) *Realizing Good Governance Through Bureaucratic Reform in*

the Field of Apparatus HR to Improve Employee Welfare', *Public Administration Network*, VI(1), pp. 416–427..

- [10] Sutrisno, S. (2019) 'The Principle of Neutrality of the State Civil Apparatus in Regional Head Elections', *Journal of Law Ius Quia Iustum*, 26(3), pp. 521–543. Doi 10.20885/iustum.vol26.iss3.art5.
- [11] AGUS PRASETIYO and Alhusni, Alhusni and Ma'ani, Bahrul (2019) neutrality of the state civil apparatus in the implementation of regional head elections (a case study of the 2017 Muaro Jambi district head election). Thesis thesis, Uin Sulthan Thaha Saifuddin Jambi.
- [12] Daniarsyah D (2015) bureaucratic politics and neutrality of bureaucracy in Indonesia. Dissertation, FISIP, UNPAD, Bandung, Indonesia
- [13] Sadikin Hanifah (2021) Neutrality of the State Civil Apparatus (Asn) in the 2020 Asahan District Head Election (Case Study: Asahan Regent and Deputy Regent Election 2020). Thesis Thesis, University of North Sumatra Medan