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THE PROBLEM OF THE POSITION OF CIVIL SERVANTS IN ELECTIONS AND ELECTIONS PERSPECTIVE LAW NO. 7 OF 2017 JO LAW NO. 20 OF 2023

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Abstract. The purpose of community service activities is to socialize the problem of the position of civil servants in elections and elections from the perspective of Law No. 7 of 2017 and Law No. 20 of 2023. The socialization will be held at Satpol PP Cirebon City on December 5, 2023. The socialization material presented was related to the problem of the position of civil servants in the 2024 Elections and Elections, what civil servants can and cannot do to maintain civil servants' neutrality following Law No. 5 of 2014 and Law No. 20 of 2023 concerning civil servants. The sanction of non-neutrality of civil servants will be removed from office and cause a blunder because campaigns can be carried out in schools, campuses, and government facilities, but not in places of worship. It is time to mature in the nation and state by accepting differences and working together, not alone but in a hostile manner. The 2024 democracy party is expected to take place with great joy.

Keywords: Socialization, position, law, civil servants, elections, elections

INTRODUCTION

The party of democracy is underway in early 2024. The Indonesian nation has entered a political year to elect Legislative Candidates, Regional Heads, and Presidents, which will simultaneously be held on February 14, 2024. In Law Number 7 of 2017 (Election Law), Article 167, paragraph 6 stipulates that the stage of holding elections begins 20 months

before polling day. Signs that parties participating in the election are planning to carry legislative and presidential candidates have also decorated many news in the mass media, both print and electronic. Even netizens on social media timelines, both Twitter, Facebook, and Instagram, have also milled around discussing their respective heroes. Netizens often share and disseminate unverified content, resulting in potential societal divisions. Then as a State Civil Apparatus (ASN), what is the attitude of civil servants ahead of the 2024 elections?, In the provisions of Law Number 5 of 2014 concerning State Civil Apparatus article 12, it reads, "ASN employees act as planners, implementers, and supervisors of the implementation of general duties of government and national development through the implementation of professional public policies and services, free from political intervention, and clean from corrupt practices, collusion, and nepotism." Following the article stated in the phrase "free from political interference", civil servants must be neutral and not bound by particular political interests. Neutral is defined as not involving civil servants or directly participating in and campaigning for Regional Head elections, elections, and presidential elections either actively or passively.

ASN is in a difficult position because it can be used as a tool of interest in the political field. On the one hand, they are employees appointed, placed, transferred, and dismissed by the Civil Service Development Office whose officials cannot be separated from political elements due to political circles, so indirectly, the careers of civil servants are often associated with political elements. On the other hand, civil servants must be neutral to maintain their professionalism in carrying out their governance and public service duties. Based on available data, from 2015 to 2021, the State Civil Apparatus Committee (KASN) has received more than 3,000 complaints of violations of ASN Neutrality, ranging from participating in campaigns and campaigning for political contestants on social media, holding activities that lead to siding with one of the political contestants, to making decisions that benefit or harm one of the political contestants (kompas.com, October 15, 2022). The number of violations indicates that the issue of civil servants' neutrality is still in the spotlight from various circles ahead of the elections. Efforts to maintain the neutrality of civil servants free from political interference should be based on the qualifications of ASN Management organized under the Merit System, which is based on quality, competence, and performance fairly and reasonably without distinction of political background, race, color, religion, origin, sex, marital status, general, or disability conditions. In addition, there should be a revision of regulations in the form of giving stricter sanctions for employees of the State Civil Apparatus who are not neutral or politically partial, as well as the provision of material maturation that is more about neutralization principles for the state Civil Apparatus so that in bureaucratic management there is no more political intervention to make the bureaucracy clean from KKN.

The Civil Service Police Unit (Satpol PP) is a provincial and regency/city government apparatus aiming to maintain public order and order and enforce regulations. The organization and work procedures of the Civil Service Police Unit are determined by law. The organization and work procedures of the Civil Service Police Unit are regulated in the Regulation of the Minister of Home Affairs and or stipulated by Regional Regulations.

The functions of the Civil Service Police include:

1. Develop programs and implement public peace and order, Enforcement of Regional regulations, and Governors and regents.
2. Implementing and maintaining public peace and order in the Region and Region.
3. Implement policies Enforcement of Regional, Regional, and Governor Regulations, Regents.

4. The implementation communicates the maintenance and implementation of public peace and order, as well as the enforcement of Regional and Regional regulations and the regulations of the Governor and regent to the officers of the Indonesian National Police, Investigators for and Dirkrimum Polda, Polres or Polsek.

5. Development of communities that understand and obey regional regulations and regional government[7].

Community service activities are carried out to provide provisions to Satpol PP in carrying out duties during the democratic party on February 24, 2024.

METHOD

The Socialization of the Position of Civil Service Problems in Elections and Elections Perspective Law No. 7 of 2017 Jo Law No. 20 of 2023 was held on Tuesday, December 5, 2024, at the Emerald Hotel, Jalan Wahidin Sudirohusodo Cirebon City. It was attended by employees of the Civil Service Police Unit (Satpol PP). Community service is carried out by delivering material through presentations and discussions. The City Government of Cirebon organized the event. Socialization activities can be seen in Figure 1.



Figure 1. Socialization Activities

RESULTS AND DISCUSSION

Legal Basis for the Position of Civil Servants in Elections and Elections

1. Law NO 5 TH 2014 Jo Law 20 of 2023 concerning ASN
2. Joint Decree of the Minister of State Apparatus Empowerment and Bureaucratic Reform, Minister of Home Affairs, Head of the State Civil Service Agency, Chairman of the State Civil Apparatus Commission, and Chairman of the General Election Supervisory Board NUMBER : 2 Year 2022
Number : 800-5474 Year 2022
Number : 246 of 2022
Number : 30 of 2022
Number : 1447.1jPM.Oljk.lj09j2022
- 3 Government Regulation Number 42 of 2004 concerning Corps Soul Development and Code of Ethics for Civil Servants
- 4 Government Regulation Number 11 of 2017 concerning Civil Servant Management

- 5 Government Number 17 of 2020 concerning Amendments to Government Regulation Number 11 of 2017 concerning Civil Servant Management
- 6 Government Regulation Number 94 of 2021 concerning Civil Servant Discipline
- 7 Government Regulation Number 49 of 2018 concerning Management of Government Employees with Work Agreements

Elections and Elections 2024

President-Vice President and Legislative elections are a means of people's sovereignty to elect members of the DPR, members of the DPRD, President and Vice President, and to elect members of the DPD, which is carried out directly, publicly, freely, secretly, honestly, and fairly in the Republic of Indonesia based on Pancasila and the 1945 Indonesian Constitution.

Regional elections are the exercise of people's sovereignty in provinces and city districts to elect Governors and Vice Governors, Regents and Vice Regents, and Mayors and Vice Mayors directly and democratically.

ASN's Position as a Government Bureaucracy

1. Government Bureaucracy is an Element and Instrument of the State in realizing the interests of the People and Society.
2. The existence of the Government to prosper by meeting the needs of its people, in order to be committed as a Public Servant, the Government Bureaucratic Apparatus must be Neutral.
3. Bureaucratic neutrality ensures that it is not an instrument of power

Civil Servants and Bureaucrats are a Political Interest in Elections

1. Bureaucracy as the Personification of the State
2. Bureaucracy holds Access in the Regions
3. The Competence of Civil Servants and the Number of Civil Servants It is very interesting to be involved in regional Political Contestation.
4. Patronage Culture consequently Loyal ASN defends the "SUPERIOR" who competes.
5. Vasted Interest "The interests of civil servants maintain and improve their positions. Isn't ASN THERE IS AN ASSESSMENT, not in accordance with field competence

Blunders of ASN Position & Neutrality in Elections

The Constitutional Court allowed campaigning in schools, colleges and government facilities, but still banned campaigning in places of worship. Constitutional Court Decision Number: 65/PUU-XXI/2023 on Tuesday, August 15, 2023:

The ruling allows campaigning in schools, colleges and government facilities:

- Article 280 paragraph (1) letter h of Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections in full reads, "use government facilities, places of worship, and places of education, except for government facilities and places of education as long as they have permission from the person in charge of the place in question and are present without election campaign attributes"

The level of maturity of the nation and state can be seen in Figure 2.

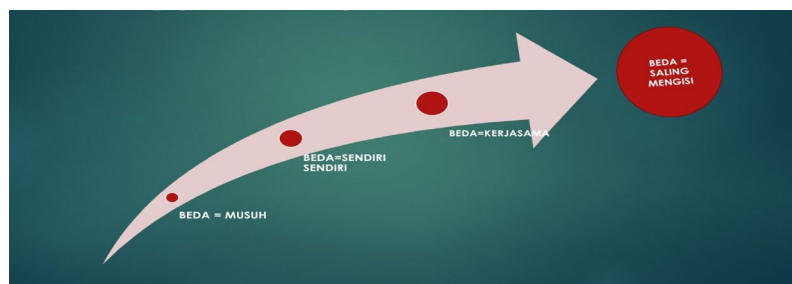


Figure 2. Level of Maturity of Nation and State

Causes of Internal ASN are not neutral

1. Human nature is a person's habit and talent to always want to engage in practical political activities.
2. Lack of self-confidence, not having adequate knowledge or skills is not professional.
3. Solidarity is lacking among fellow civil servants. As a result, ASN saves HR (Save Themselves).
4. Primordialism: kinship, regional, material, tribal, and similar interests between civil servants and particular candidates.

External Causes: ASN is not neutral.

1. Past policies influenced the thinking and even attitude of civil servants' monoloyalty to political parties and specific candidates.
2. Provocations and threats to civil servants by superiors / close people who are assigned to invite civil servants to side with specific candidates.
3. Sweet promises from political parties, figures, candidates, someone or a group of people to civil servants
4. Bureaucracy is neutral, but individual civil servants have the right to vote
5. Weak supervision of civil servants and lack of firm implementation of sanctions for violations committed.

Prohibition Article 5

Provide support to candidates for President/Vice President, candidates for Regional Heads/Deputy Regional Heads, candidates for members of the People's Representative Council, candidates for members of the Regional Representative Council, or candidates for the DPRD by:

1. Join the campaign
2. Become a campaign participant by using party attributes or ASN attributes
3. As a campaign participant by deploying other ASNs
4. As a campaign participant using state facilities
5. Make Decisions and/or Actions that benefit or harm either candidate's spouse before, during, and after the campaign period
6. Holding activities that lead to partiality towards candidate pairs who are participants in elections before, during, and after the campaign period, including meetings, invitations, appeals, calls, or giving goods to civil servants within their work units, family members, and the community; and/or
7. Provide a letter of support accompanied by a photocopy of an Identity Card or identity certificate.

Coaching and supervision

1. ASN neutrality development is an effort, action, and activity aimed at realizing the neutrality of civil servants in organizing General Elections and Elections
2. Supervision of civil servant neutrality is an effort, action, and activity aimed at ensuring civil servant neutrality in holding general elections and elections that run in accordance with the provisions of laws and regulations.

Duties of PLT and PJ Acting and Acting Development

1. Forming an internal team tasked with supervising the neutrality of civil servants
2. Identify points prone to violations of the neutrality of civil servants at each stage of holding elections and elections under those listed in the General Election and Election Commission Regulations.
3. Follow up on ASN's recommendations to enforce the code of ethics and discipline of the State Civil Apparatus based on the provisions of laws and regulations.
4. Monitoring and evaluating the implementation of neutrality of ASN employees

Advantages of Law 20 of 2023 concerning ASN

There are no more Central and Regional ASN Equality terms in the Office. ASN positions can be filled by TNI soldiers and members of the Indonesian National Police and/or vice versa

1. Article 19 states that certain ASN positions can be filled by TNI soldiers and members of the Indonesian Police, which are carried out at the Central Agency as stipulated in the Law on the Indonesian National Army and the Law on the National Police of the Republic of Indonesia.
2. Article 20, paragraph 1, states that civil servants can occupy positions within the Indonesian National Army and the National Police of the Republic of Indonesia under the required competencies.

Legal Position of PPNS & Satpol PP in the 2024 Election

Satpol PP

Government Regulation (PP) No: 6 of 2010 concerning the Civil Service Police Unit Affirms that the Civil Service Police Unit *has the task of enforcing Regional Regulations and maintaining public order, public peace, and community protection.*

PP No. 16 of 2018 on Amendments to PP 6 of 2010 concerning the Civil Service Police Unit Article 8 paragraph (1) that in carrying out the enforcement of Regional Regulations, the position of Satpol PP acts as the coordinator of PPNS within the Regional Government.

Regulation of the Chief of Police No. 20 of 2010 concerning Coordination of Supervision and Development of Investigators for PPNS, functionally the task of criminal investigators is carried out by the development of the criminal investigation function of the Indonesian Police; in its implementation, the criminal investigation of the Indonesian Police is assisted by PPNS.

"PPNS is given special authority by law to carry out criminal investigations that fall within its authority, coordinate, partner in the development of Indonesian Police investigators."

Synergy and harmonization of Satpol PP and PPNS can be seen in Figure 3.



Figure 3. Synergy and Harmonization

Doubt

The president will remove civil servants if they are not neutral

SKB" Joint Decree" Menpan RB, Minister of Home Affairs, Chairman of KASN, Head of BKN , Chairman of Bawaslu : -No 2 Th 2022 - No: 800-5474 Th 2022 – No 246 Th 2022 -No 30 th 2022, - No 1447-1 / PM-01 / K.I / 09 /Th 2022 concerning Guidelines for Guidance and Supervision of Neutrality of Civil Service Employees in the Implementation of Elections and Direct Regional Elections.



Figure 4. Ten photo poses prohibited for civil servants during the 2024 election period



Figure 5. President Will Remove Non-Neutral Civil Servants in 2024 Presidential Election

CONCLUSION

Community service activities have been carried out to socialize the problem of the position of civil servants in elections and elections from the perspective of Law No. 7 of 2017 and Law No. 20 of 2023. The socialization will be held at Satpol PP Cirebon City on December 5, 2023. The socialization material presented was related to the problem of the position of civil servants in the 2024 Elections and Elections. The neutrality of civil servants is under Law No. 5 of 2014 and Law No. 20 of 2023 concerning civil servants. It is time to mature in the nation and state by accepting differences and working together, not alone, let alone in a hostile manner. The 2024 democracy party is expected to take place with great joy.

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Legislation

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