

**Original Article****NEUTRALIZATION OF CIVIL SERVANTS AS STATE APPARATUS IN THE GOVERNMENT SYSTEM OF INDONESIA****Ferry Edwar^{1)*}, Abdul Basir Mohamad²⁾**¹⁾ Faculty of Law, University Trisakti, Indonesia²⁾ University Kebangsaan Malaysia, Malaysia* Corresponding Author, Email: ferryedwar@trisakti.ac.id**ABSTRACT**

Background. Civil Servants (PNS) hold the position of state apparatus responsible for providing services to the public in a professional, honest, fair, and equitable manner in the implementation of state, governmental, and developmental duties. The purpose of this research was to determine the roles and functions of Civil Servants in the Indonesian government, and to examine how they fulfill their roles as State and public servants while maintaining their neutrality concerning political power.

Research Methods. This study uses a normative juridical method, legislative and conceptual approaches. The sources of legal materials used include primary, secondary, and tertiary legal materials. Legal materials were collected through library research. The collected legal materials were systematically processed by classifying them based on legislation, theories, and expert opinions, then analyzed qualitatively.

Findings. Civil Servants are public officials regulated by governmental norms, responsible for delivering civil services and public goods. They must be sensitive, responsive, cooperative, disciplined, and aware of their responsibilities. To be effective, they must adhere to a code of ethics and maintain neutrality, free from political influence, and interact fairly and honestly.

Conclusion. Civil Servants, as part of the state apparatus and public servants, must be capable of performing their duties professionally and responsibly, and remain clean and free from corruption, collusion, and nepotism in delivering services to the public. They must adhere to Government Regulation No. 42 of 2004 concerning the Development of Corps Spirit and Code of Ethics, while maintaining neutrality and freedom from political party influence.

Keywords: Civil Servants, Neutrality, State Apparatus

BACKGROUND

In the effort to achieve national goals, namely the realization of a just and prosperous society that is equitable, continuous, both materially and spiritually, there is a need for Civil Servants as citizens, components of the state apparatus, servants of the state, and servants of the people[1]. They must demonstrate full loyalty and obedience to Pancasila, the 1945 Constitution, the State, and the Government, and must be united, possess good character, be authoritative, effective, efficient, clean, of high quality, and fully aware of their responsibilities in carrying out governmental and developmental duties[2].

Personnel development is directed toward the establishment of a reliable and stable civil service system with unwavering loyalty to national political ideals by promoting careers based on job performance, professional competence, expertise, skills, and welfare[3]. It also aims to strengthen the mental attitude of personnel based

on Pancasila and the 1945 Constitution. These efforts are continuously improved through structured programs such as education and training, assignments, guidance and consultation, as well as the development of motivation, morals, ethics, and sound administrative discipline[2]. These are supported by the organization and determination of staffing standards according to the type and number of employees in a rational manner. A solid civil service system must also be equipped with a fair reward system and strict and proportional sanctions.

As part of the state apparatus, Civil Servants are required to maintain neutrality from political party influence[4], uphold national unity and integrity, and carry out their duties professionally and responsibly in governing and developing the country, while remaining clean and free from collusion and nepotism[5]. This is emphasized in Law No. 43 of 1999 concerning Amendments to Law No. 8 of 1974 on the Principles of Civil Service, particularly Article 3 paragraphs (1), (2), and (3), which also stipulate that Civil Servants may not become members and/or administrators of political parties. Therefore, it is deemed necessary to regulate this prohibition through Government Regulation.

The development of the state apparatus is directed toward enhancing inter-sectoral coordination, including between central and regional levels, and among various regions to improve the quality and capacity of the state apparatus, the function of state and government institutions, and administrative processes[6,7]. This is aimed at ensuring the smooth and integrated implementation of state governance and development, thereby establishing a cleaner, more authoritative, professional, morally upright, responsible, and exemplary state apparatus. In connection with the above background, this research seeks to examine in greater depth “The Neutrality of Civil Servants as State Apparatus in the Governmental System of Indonesia. The purpose of this research was to determine the roles and functions of Civil Servants in the Indonesian government and to examine how they fulfill their roles as State and public servants while maintaining their neutrality concerning political power.

RESEARCH METHOD

This study employs a normative juridical research method, which is a legal research method that analyzes laws and regulations related to civil service. However, the literature review does not only focus on statutory regulations concerning civil service in Indonesia, but also includes government regulations and presidential instructions related to the eradication of corruption, collusion, and nepotism, including the principle of neutrality toward all groups, and the prohibition on becoming members or administrators of political parties.

This study uses a statutory approach (statute approach) and a conceptual approach, which involves identifying regulations in the field of civil service and integrating them with concepts regarding the position, function, and duties of civil servants in Indonesia.

The legal materials used consist of primary, secondary, and tertiary legal sources. Primary Legal Materials are binding legal sources, including the 1945 Constitution and statutory regulations related to the fundamental principles of civil service[8]. Secondary Legal Materials provide explanations of the primary legal materials and consist of books, journals, proceedings from academic meetings, and research reports relevant to the issues discussed especially those concerning neutrality and the position of civil servants in government[9,10]. Tertiary Legal Materials are

legal sources that offer guidance and clarification on both primary and secondary legal materials, such as dictionaries and encyclopedias.

The legal materials were collected through library research. Once collected, the materials were read, recorded, and inventoried based on the core issues to be discussed. The materials were then systematically organized and classified based on applicable regulations, relevant theories, and expert opinions aligned with the issues under study. The collected legal materials were analyzed qualitatively[11], using descriptive and analytical methods to derive accurate and reasoned conclusions.

FINDINGS

This research found the roles and functions of Civil Servants in the Indonesian government. Civil servants (PNS) in Indonesia are strategic personnel within the government, acting as planners, implementers, and public service providers. Their position is classified as public office holders, making them responsible for delivering public services that are not meant for privatization. Civil servants must demonstrate loyalty to the State, uphold Pancasila and the 1945 Constitution, and act with integrity, professionalism, and accountability. Their duties and functions as workers of the State (hereinafter called as PNS). PNS are expected to perform efficiently and serve the public interest based on legal and regulatory frameworks. Civil servants play a central role in governance and development and must conduct themselves ethically and responsibly in their official and personal interactions.

Civil servants as state and public servants in their dual role, civil servants are responsible for carrying out the functions of governance while serving the public equitably and effectively. Decentralization is emphasized to improve efficiency and accountability in public service delivery. Their loyalty is expected to remain with the State and not shift with political leadership changes. Professional development is guided by Government Regulation No. 42 of 2004, which emphasizes adherence to a civil servant code of ethics covering behavior in official, societal, personal, and inter-colleague contexts[12]. Ethical standards and moral conduct are essential to distinguish the role of civil servants as a noble profession focused on public welfare.

In political neutrality, civil servants are strictly prohibited from affiliating with or engaging in political party activities, as stipulated by Government Regulation No. 5 of 1999 (amended by No. 37 of 2004)[13]. Civil servants running for regional head positions must resign from the civil service before candidacy to ensure neutrality and prevent misuse of public resources. Neutrality in political affairs is key to maintaining public trust and the impartiality of government functions.

DISCUSSION

The Status and Function of Civil Servants (PNS) in the Indonesian Government

Civil Servants (PNS) hold a critical and strategic role as thinkers, planners, and implementers, making their position essential to the smooth operation of government administration[14]. Considering the importance of the duties carried out by civil servants, it is imperative that they are properly managed and developed to produce civil servants who are fully loyal and obedient to the Government of the Republic of Indonesia, which is based on Pancasila and the 1945 Constitution. Furthermore, they are expected to serve with full dedication, unity, good character,

authority, strength, efficiency, effectiveness, integrity (free from corruption, collusion, and nepotism), and high quality, while being fully aware of their responsibilities as elements of the State Apparatus and public servants[15].

The status of civil servants as public officers, governed by administrative norms, involves providing civil services and public goods that cannot be privatized and must be available to all when needed. This status signifies that civil servants hold public office positions. Such public office inherently carries the obligation to deliver the necessary services and public functions required by the community.

The effectiveness of governmental apparatus, such as civil servants in delivering adequate public services, is a matter of strategic importance. Since civil servants are responsible for executing governmental and developmental duties aimed at achieving national goals, the smooth operation of government and national development largely depends on the efficiency and integrity of the state apparatus particularly the civil servants. Thus, to achieve national objectives, it is essential to have civil servants who are loyal and obedient to Pancasila, the 1945 Constitution, the State, and the Government, and who are united, possess good character, integrity, strength, efficiency, high quality, and a strong sense of responsibility in their strategic roles as State and Public Servants[16].

The duties of a civil servant can be analogized to that of a worker fulfilling the responsibilities assigned by their employer. In the case of civil servants, the employer is the State. Therefore, civil servants are expected to carry out their duties effectively and efficiently in delivering services to the public. This necessitates proper regulation and development, as outlined in civil service legislation and further elaborated in government regulations[3].

The core duty of civil servants, as part of the state apparatus, is to serve the public interest. Civil servants must be loyal to the legitimate government and are tasked with providing services to society. As integral components of governance, civil servants are the backbone of the government in Indonesia and are expected to carry out their duties responsibly, competently, and effectively. Consequently, they must perform their roles professionally and functionally.

Professionalism is closely tied to the duties and functions of civil servants, which also involve the ongoing self-development of individuals as members of the state apparatus. In performing their responsibilities, civil servants are required to act in accordance with ethical principles in state administration, governance, organizational behavior, community engagement, and in their personal conduct as well as in interactions with fellow civil servants[14].

The Role of Civil Servants as State Servants and Public Servants, and Their Political Neutrality

The core duties attached to civil servants as part of the government apparatus are mandated by applicable laws and regulations. These duties are carried out in specific public positions and are accountable to state officials entrusted with governmental authority[12]. In carrying out their principal duties, civil servants consistently receive guidance and supervision from state officials as part of the governing apparatus.

The roles and functions of civil servants in delivering public services must be carried out efficiently and effectively. To achieve this, authority should be decentralized to subordinate or vertical institutions to enhance service delivery to the

public. Decentralization of authority to vertical agencies is expected to improve both efficiency and accountability[6].

Efforts to improve public service delivery include enhancing the performance and accountability of public services through civil service administrative reform. As public servants, civil servants are obligated to provide service to the public as part of their duties and responsibilities as state apparatus[16]. Public services may include expediting the delivery of essential services and offering necessary explanations without expecting personal gain or material rewards. In doing so, professional civil servants are expected to make meaningful contributions to development across various sectors[14].

Civil servants, as elements of the state apparatus, must remain fully loyal and obedient to Pancasila, the 1945 Constitution, the State, and the Government. They are also tasked with delivering professional, honest, fair, and equitable services in the execution of state functions, governance, and development programs.

Civil servants form part of the government apparatus and are one of the main pillars of state administration. As such, they are governed by the existing government, and their loyalty must remain consistent regardless of any changes in political leadership. Their commitment must lie with the State and the legitimate Government, without being swayed by political transitions.

Civil servants are also implementers of statutory regulations. Hence, they are responsible for promoting compliance with these regulations within society primarily by setting an example and serving as role models. In performing their regulatory duties, civil servants must carry out official tasks with full dedication, awareness, and accountability.

In line with MPR Decree No. IV/MPR/1999 on the Broad Guidelines of State Policy for 1999–2004, which outlines the vision, mission, and policy direction for State Apparatus Empowerment (Pendayagunaan Aparatur Negara), several key directives were established. These include eradicating corrupt practices within state administration, enforcing severe penalties for corruption, collusion, and nepotism (KKN) in accordance with prevailing laws, strengthening both internal and external supervision, and promoting ethics and morality. Additionally, enhancing the quality of the state apparatus through improved welfare and professionalism, as well as improving bureaucratic functions and professionalism in serving the public, are essential strategies. These initiatives are critical to ensuring that civil servants fulfill their role as genuine servants of the State.

Besides serving as state servants, civil servants also hold the role of public servants. This dual function means that civil servants must remain committed to serving the public interest and facilitating the needs of community members. Each civil servant is expected to demonstrate unwavering loyalty and obedience to Pancasila, the 1945 Constitution, the State, and the Government[17].

To build a resilient and unified civil service characterized by integrity, authority, efficiency, effectiveness, and freedom from collusion, corruption, and nepotism, it is essential that civil servants internalize ethical and moral values in carrying out their official duties. A truly professional civil servant must distinguish between ordinary professions and noble professions. Serving the public is considered a noble profession due to its foundation in selfless service to society. Thus,

professionalism among civil servants must be grounded in a profound sense of ethical responsibility and moral commitment to the community.

The Development of Civil Servants' Professionalism and Ethical Standards, and Their Political Neutrality

To become civil servants (PNS) who are effective and efficient, strong, united, responsive, sensitive, and highly disciplined, and who demonstrate a high sense of solidarity and awareness of their responsibilities as elements of the state apparatus and as public servants, the development of a civil servant corps is essential. This development includes adherence to a professional code of ethics. In this regard, the civil service is bound by a code of ethics that serves as a guideline for conduct, behavior, and daily actions of civil servants in the performance of their duties and in their interactions with society[10].

Specifically, the ethics and professionalism of civil servants are governed under Government Regulation of the Republic of Indonesia No. 42 of 2004 on the Development of the Civil Servants' Corps Spirit and Code of Ethics. This regulation stipulates the systematic cultivation of professional competence and ethical conduct among civil servants.

The civil servant code of ethics encompasses various domains, including; Ethics within organizational conduct, Ethics in societal interactions, Personal ethics, and Ethics in interactions with fellow civil servants. Thus, in executing their responsibilities, civil servants are expected to adhere strictly to this code as regulated by the government.

In pursuit of the national goal to establish a civil society governed by the rule of law, modern, democratic, prosperous, just, and morally upright it is essential to have a cadre of civil servants who serve as impartial public servants. They are expected to deliver equitable and non-discriminatory public services, uphold national unity, and remain loyal to Pancasila and the 1945 Constitution. This demands a corps of civil servants who are professional, accountable in governance and development administration, and free from corruption, collusion, and nepotism[4].

In the discharge of their duties, civil servants must remain neutral from the influence of any political groups or parties. As state apparatus, they are required to provide public services professionally, honestly, fairly, and equally including services related to political parties and electoral campaigns without showing bias.

This principle of neutrality must be embedded in the conduct of civil servants. They must maintain an impartial and just stance in their professional interactions. Civil servants who become members or administrators of a political party and fail to submit a formal resignation to the relevant authorities are subject to immediate dismissal without honor from the civil service. This dismissal takes effect at the end of the third month following their official registration as members or officials of a political party[18].

This is explicitly outlined in Government Regulation No. 5 of 1999, as amended by Government Regulation No. 37 of 2004, regarding the Prohibition for Civil Servants to Become Members of Political Parties particularly in Article 2, Paragraphs (1) and (2). Furthermore, any civil servant who intends to run for mayor or regent in a regional head election is required to resign from the civil service whether holding a structural or functional position, or serving in a state or governmental post. This resignation must be submitted prior to official registration by a political party,

and certainly before the start of the campaign period. This regulation aims to prevent public perception or allegations from rival candidates and the broader community that a civil servant running for regional office may misuse state resources to advance their candidacy or strengthen their political position[19].

The following recommendations are proposed: 1) To support the realization of good governance, it is necessary to cultivate a capable and efficient civil service one that is clean, authoritative, and avoids any form of misconduct. Civil servants must be equipped to effectively execute the general functions of governance and national development; 2) In order to implement the tasks of governance and national development, the devotion and commitment of civil servants must be fully optimized. As part of the state apparatus responsible for delivering public services, civil servants must provide the best possible service, with fairness and equity, to all segments of society; 3) It is essential to foster a civil service that is professional, clean, and free from corruption, collusion, and nepotism, in order to restore public trust and strengthen institutional accountability; 4) Any civil servant who intends to run for regional head positions (such as regent or mayor) must formally resign from the civil service prior to candidacy. This is critical for ensuring the neutrality of the bureaucracy and for avoiding negative public perception or allegations of misuse of state resources during political campaigns.

CONCLUSION

This research reveals that Civil Servants (PNS) are public servants responsible for implementing governance and development, ensuring professional, responsible, and integrity performance. They must adhere to laws and regulations, following Government Regulation No. 42 of 2004. Civil servants act as both state and people servants, maintaining political neutrality and impartiality to uphold the integrity and impartiality of the bureaucracy.

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