



# I J I S

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## **The Effectiveness of Bawaslu's Supervision in Maintaining the Neutrality of the State Civil Apparatus during Elections in Garut Regency**

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### **Abstract**

The neutrality of the State Civil Apparatus (ASN) constitutes an essential principle in ensuring democratic, honest, and fair elections in Indonesia. Nevertheless, violations of ASN neutrality continue to occur during electoral processes, including involvement in practical political activities, misuse of state facilities, and political support expressed through social media platforms. This study aims to analyze the legal effectiveness of the General Election Supervisory Agency's (Bawaslu) supervision in maintaining ASN neutrality during elections in Garut Regency and to identify the factors influencing the implementation of such supervision. This research employed an empirical juridical qualitative approach. Data were collected through interviews, documentation studies, and literature reviews involving Bawaslu officials, ASN members, and relevant legal documents concerning election supervision and ASN neutrality. The findings indicate that Bawaslu has carried out preventive supervision through socialization programs, direct monitoring, institutional coordination, and handling of alleged neutrality violations. However, the effectiveness of supervision has not yet been fully optimal due to several obstacles, including limited supervisory authority, inadequate human resources, broad supervisory areas, low legal awareness among ASN, and persistent sociopolitical pressures within local bureaucratic structures. The study concludes that the effectiveness of Bawaslu's supervision is influenced not only by the legal framework but also by institutional capacity, legal culture, and societal compliance with neutrality principles. Strengthening institutional coordination, supervisory authority, and legal awareness is therefore necessary to support democratic elections characterized by fairness, integrity, and bureaucratic professionalism.

**Keywords:** Bawaslu Supervision, ASN Neutrality, Legal Effectiveness, Elections, Empirical Juridical Study



## 1. Introduction

Elections constitute an essential mechanism for implementing democracy and popular sovereignty in Indonesia. Through elections, citizens exercise their constitutional rights to determine political leadership and governmental direction. Therefore, democratic elections must be conducted in a direct, general, free, confidential, honest, and fair manner to ensure governmental legitimacy and public trust in democratic institutions (Hidayat et al., 2024; Iriani et al., 2023). In this context, the neutrality of the State Civil Apparatus (ASN) becomes a crucial prerequisite for safeguarding the integrity and fairness of electoral processes.

The principle of ASN neutrality is normatively regulated in Law Number 5 of 2014 concerning the State Civil Apparatus and Law Number 7 of 2017 concerning General Elections (Kusdarini et al., 2022; Suparto et al., 2024; Zainuddin, 2022). These legal instruments prohibit ASN from engaging in practical political activities or demonstrating support for election participants. ASN neutrality is intended to prevent the misuse of bureaucratic authority, public facilities, and state resources for partisan political interests during elections. Bureaucratic neutrality also reflects the principle of professionalism within public administration and serves as an important foundation for maintaining public confidence in government institutions.

Despite these legal regulations, violations of ASN neutrality continue to occur during electoral processes in Indonesia. Empirical data released by the State Civil Apparatus Commission (KASN) indicate that, as of 2 April 2024, 481 ASN were reported for alleged neutrality violations during the 2024 Election, and 264 ASN, or approximately 54.9%, were proven to have violated neutrality provisions (Sinambela, 2024). Among these cases, 181 ASN had received sanctions from Civil Service Supervisory Officials. The violations were predominantly related to political bias expressed through social media activities, accounting for approximately 40% of the total cases. Furthermore, data published by the Election Supervisory Agency (Bawaslu) revealed 433 reports and findings related to ASN neutrality violations during the 2024 simultaneous regional elections, with 314 cases formally determined as neutrality violations (Bawaslu, 2024). Additional data from the National Civil Service Agency (BKN) also identified disciplinary and ethical violations committed by ASN during the election period (BKN, 2024).

These conditions demonstrate that the implementation of ASN neutrality remains a significant challenge within Indonesia's electoral system. Several factors contribute to these violations, including political pressure from regional leaders, expectations of obtaining strategic bureaucratic positions, and limited legal awareness regarding neutrality obligations (Åström et al., 2022; Bozeman et al., 2024; Nadzirin et al., 2025). The persistence of such violations indicates that the existing regulatory framework and supervisory mechanisms have not yet functioned optimally in preventing the politicization of bureaucracy during elections.



Within this framework, the General Election Supervisory Agency (Bawaslu) holds a strategic role in ensuring democratic, honest, and fair elections. Bawaslu is authorized to conduct preventive supervision, investigate alleged violations, and coordinate with relevant institutions such as KASN and BKN in enforcing ASN neutrality regulations (Nadzirin et al., 2025; Supriyadi, 2024). However, the effectiveness of Bawaslu's supervision remains an important issue in electoral law studies. In practice, Bawaslu often faces institutional constraints, including limited supervisory authority, inadequate human resources, broad supervisory areas, and increasingly complex forms of neutrality violations, particularly through digital media platforms.

Garut Regency was selected as the research location because it represents a region with complex electoral dynamics and broad bureaucratic structures during election periods. The sociopolitical characteristics of the region create substantial challenges for maintaining ASN neutrality and implementing effective election supervision. An empirical examination at the regional level is therefore necessary to understand how supervisory mechanisms are implemented in practice and how institutional limitations influence the effectiveness of Bawaslu's oversight.

Several previous studies have examined ASN neutrality from normative and empirical perspectives. Existing studies generally focus on regulatory analysis, political intervention, or preventive efforts undertaken by Bawaslu. However, limited research specifically analyzes the effectiveness of Bawaslu's supervision using a quantitative empirical approach that examines the relationship between supervisory effectiveness and ASN neutrality at the regional level. Therefore, this study seeks to fill this research gap by analyzing the effectiveness of Bawaslu's supervision in maintaining ASN neutrality during elections in Garut Regency.

Based on the foregoing discussion, this study aims to analyze the effectiveness of Bawaslu's supervision in maintaining ASN neutrality during elections in Garut Regency and to identify the factors influencing the implementation of such supervision. The findings of this study are expected to contribute theoretically to the development of electoral law studies and practically to strengthening supervisory policies and bureaucratic neutrality in Indonesia.

## 2. Research Method

This study employed an empirical juridical qualitative approach (Wiraguna, 2024). Empirical juridical research examines law not only as a normative system contained in legislation but also as a social reality implemented within society and governmental institutions. This approach was used to analyze the effectiveness of Bawaslu's supervision in maintaining the neutrality of the State Civil Apparatus (ASN) during elections in Garut Regency.

The research focused on examining the implementation of legal provisions concerning ASN neutrality and the supervisory role of Bawaslu in electoral practices. A



qualitative approach was selected because this study aimed to obtain an in-depth understanding of institutional supervision, legal compliance, and the sociopolitical factors influencing ASN neutrality during elections.

The research was conducted in Garut Regency, West Java, Indonesia. The region was selected because it represents an area with complex electoral dynamics and broad bureaucratic structures, creating significant challenges for maintaining ASN neutrality during electoral processes.

Data sources in this study consisted of primary and secondary data. Primary data were obtained through interviews with relevant informants, including Bawaslu officials, State Civil Apparatus (ASN) members, and parties involved in election supervision. The interviews were conducted purposively based on the informants' knowledge, authority, and involvement in issues related to ASN neutrality during elections.

Secondary data were obtained through literature studies and documentation, including laws and regulations concerning elections and ASN neutrality, official reports from Bawaslu, KASN, and BKN, scientific journals, books, previous research, and other legal documents relevant to the study.

Data collection techniques included interviews, documentation studies, and literature reviews. Documentation was used to examine official reports, legal documents, and institutional records concerning violations of ASN neutrality during elections.

The data were analyzed qualitatively using a descriptive-analytical method. The analysis process involved data reduction, data classification, interpretation, and drawing conclusions systematically based on legal theories and empirical findings. The study particularly employed the theory of legal effectiveness proposed by Soerjono Soekanto (Rahayu et al., 2024) and the legal system theory of Friedman (2019) to analyze the effectiveness of Bawaslu's supervision over ASN neutrality during elections.

### **3. Result**

#### **3.1. Normative Regulation of State Civil Apparatus Neutrality in Indonesian Electoral Law**

The neutrality of the State Civil Apparatus (ASN) constitutes a fundamental principle in the administration of democratic governance and electoral processes in Indonesia. Normatively, the principle of ASN neutrality is regulated in several statutory provisions, particularly Law Number 5 of 2014 concerning the State Civil Apparatus and Law Number 7 of 2017 concerning General Elections. These legal instruments emphasize that ASN must remain free from political intervention and are prohibited from engaging in practical political activities that may compromise bureaucratic professionalism and public trust.

Article 2 letter f of Law Number 5 of 2014 explicitly stipulates neutrality as one of the core principles governing ASN administration. Furthermore, Article 9 paragraph (2) affirms that ASN employees must be free from the influence and intervention of all



political groups and parties. In the electoral context, ASN neutrality aims to prevent the misuse of state authority, public resources, and bureaucratic structures for electoral interests. Therefore, neutrality serves not only as an ethical obligation but also as a constitutional mechanism for maintaining fair and democratic elections.

The implementation of ASN neutrality is institutionally supervised by the General Election Supervisory Agency (Bawaslu) in coordination with the State Civil Apparatus Commission (KASN), the National Civil Service Agency (BKN), and Civil Service Supervisory Officials (PPK). Bawaslu is a findings and conduct preventive supervision, receive reports of alleged violations, investigate findings, and coordinate the enforcement of sanctions against ASN violating neutrality provisions.

Despite the existence of clear legal regulations, empirical conditions demonstrate that violations of ASN neutrality continue to occur during electoral processes. Based on data released by KASN as of April 2024, hundreds of ASN were reported for alleged neutrality violations during the 2024 Election period, with a significant proportion proven to have committed violations. The violations commonly involved political support through social media activities, attendance at political campaign events, misuse of official facilities, and implicit support for certain candidates.

These conditions indicate that the legal framework governing ASN neutrality has not yet functioned optimally in practice. The persistence of violations demonstrates the existence of gaps between normative legal provisions and their empirical implementation within governmental institutions and local political structures.

### **3.2. The Effectiveness of Bawaslu's Supervision in Maintaining ASN Neutrality**

The effectiveness of Bawaslu's supervision over ASN neutrality can be analyzed through the theory of legal effectiveness proposed by Soerjono Soekanto, which emphasizes five interrelated factors influencing legal implementation: legal substance, law enforcement institutions, facilities and infrastructure, society, and legal culture.

#### **3.2.1. Legal Substance Factor**

From the perspective of legal substance, regulations governing ASN neutrality are relatively comprehensive and provide a sufficient normative basis for supervision and law enforcement. Laws and regulations have clearly prohibited ASN from participating in practical political activities and have established institutional mechanisms for handling neutrality violations.

However, empirical findings indicate that several legal provisions remain general and open to multiple interpretations, particularly regarding indirect political support expressed through digital platforms and social media. This condition often creates difficulties in determining the boundaries between personal expression and political involvement. Consequently, the implementation of neutrality regulations frequently encounters legal ambiguity in practice.



### **3.2.2. Law Enforcement Factor**

The effectiveness of supervision is also influenced by the institutional capacity of Bawaslu as the election supervisory authority. In practice, Bawaslu has carried out preventive efforts through public socialization, coordination meetings, dissemination of neutrality regulations, and direct supervision during election stages.

Bawaslu officials interviewed in this study explained that preventive supervision was continuously conducted before and during the election process. Coordination with KASN and regional governmental institutions was also implemented to strengthen monitoring mechanisms and follow-up procedures concerning neutrality violations.

Nevertheless, several obstacles remain in law enforcement practices. Bawaslu does not possess direct authority to impose administrative sanctions on ASN violating neutrality provisions. The sanctioning process must involve KASN and Civil Service Supervisory Officials (PPK), resulting in relatively lengthy bureaucratic procedures. This condition weakens the deterrent effect of supervision and often creates public perceptions that neutrality violations are not handled firmly and effectively.

### **3.2.3. Facilities and Infrastructure Factor**

The effectiveness of supervision is further influenced by the availability of institutional resources and operational infrastructure. Empirical findings reveal that limitations in human resources and supervisory coverage areas remain major challenges for Bawaslu in Garut Regency.

Garut Regency possesses a broad geographical area and complex administrative distribution, requiring extensive supervisory coordination during election periods. Several informants explained that the number of supervisory personnel was not fully proportional to the scope of election supervision duties. In addition, the increasing use of digital media in political campaigns has complicated supervisory mechanisms because neutrality violations may occur indirectly through social media platforms and online communication channels. These limitations affect the optimization of supervision and reduce the effectiveness of preventive monitoring conducted by Bawaslu.

### **3.2.4. Societal and Legal Awareness Factor**

The effectiveness of ASN neutrality supervision is also influenced by the level of legal awareness among ASN members themselves. Findings from this study indicate that some ASN still possess limited understanding regarding the boundaries of political activities prohibited by neutrality regulations.

Several violations occurred not only because of intentional political involvement but also due to low awareness concerning the legal consequences of political expressions on social media and participation in activities associated with election participants. In some cases, ASN perceived certain forms of political interaction as personal activities rather than neutrality violations. This condition demonstrates that strengthening legal



awareness and continuous legal education remain necessary to improve compliance with neutrality principles during elections.

### 3.2.5. Legal Culture Factor

The legal culture factor constitutes one of the most influential obstacles in maintaining ASN neutrality. The persistence of patronage relationships, bureaucratic loyalty to regional political leaders, and expectations of strategic career positions frequently influence ASN behavior during electoral processes.

Empirical findings show that sociopolitical pressures from regional elites may indirectly encourage ASN involvement in political activities. In local political contexts, bureaucratic structures are often closely connected to regional leadership interests, creating dilemmas for ASN in maintaining neutrality and professional independence. This condition reflects that neutrality violations are not merely legal problems but are also strongly influenced by sociopolitical culture within local governmental systems.

The findings of this study demonstrate that the effectiveness of Bawaslu's supervision over the neutrality of the State Civil Apparatus (ASN) remains closely related to the broader quality of democratic governance and electoral integrity in Indonesia. Elections are not merely procedural political mechanisms but also constitutional instruments intended to ensure the realization of popular sovereignty, democratic participation, and governmental legitimacy (Hidayat et al., 2024; Iriani et al., 2023). Within this framework, ASN neutrality becomes a fundamental requirement for ensuring fair competition among electoral participants and preventing the politicization of state bureaucracy.

Empirical findings in this study indicate that violations of ASN neutrality continue to occur despite the existence of relatively comprehensive legal regulations. Data released by KASN revealed that 264 ASN were proven to have violated neutrality provisions during the 2024 Election (Sinambela, 2024). Similarly, Bawaslu recorded 314 violations of ASN neutrality during the 2024 simultaneous regional elections (Bawaslu, 2024). These findings confirm that bureaucratic neutrality remains a persistent problem within Indonesian electoral practices. The violations identified include political support through social media activities, involvement in campaign-related activities, and the misuse of bureaucratic authority for electoral interests. Such findings are consistent with Nadzirin et al., (2025), who argue that ASN neutrality violations during elections are frequently driven by political intervention, institutional pressure, and bureaucratic interests linked to local political power structures.

From the perspective of legal effectiveness theory, the findings of this study support Soerjono Soekanto's view that the success of legal implementation depends on the interaction among legal substance, legal structure, legal awareness, facilities, and legal culture. Although Indonesia possesses a relatively adequate legal framework governing ASN neutrality, empirical implementation remains constrained by institutional and sociopolitical factors. This finding is consistent with Rahayu et al., (2024), who emphasize



that legal effectiveness is determined not solely by the existence of legal norms but also by the capacity of institutions and society to implement and comply with such norms effectively.

The findings also reinforce Lawrence M. Friedman's theory concerning the relationship between legal structure, legal substance, and legal culture within legal systems (Friedman, 2019). In the context of this study, Bawaslu functions as the legal structure responsible for supervising elections and enforcing neutrality provisions. The legal substance is reflected in statutory regulations concerning ASN neutrality, while legal culture is manifested in the attitudes, behavior, and political orientation of ASN and local political actors. The study demonstrates that weaknesses in legal culture significantly influence the effectiveness of supervision. Patronage relationships, bureaucratic loyalty to regional political elites, and expectations of strategic career advancement continue to shape ASN behavior during elections.

This condition aligns with the argument developed by Åström et al., (2022), who explain that political influence within public administration may gradually weaken bureaucratic neutrality and institutional professionalism. Public officials operating under political pressure often experience dilemmas between maintaining professional neutrality and demonstrating loyalty to political superiors. Similar patterns were identified in this study, particularly in the local bureaucratic context where sociopolitical relationships strongly influence administrative behavior during elections.

Furthermore, the findings indicate that the effectiveness of Bawaslu's supervision remains limited by institutional authority and operational capacity. Although Bawaslu actively conducts preventive supervision through socialization programs, monitoring, and institutional coordination, the institution does not possess direct authority to impose sanctions on ASN violating neutrality provisions. The sanctioning process requires coordination with KASN, BKN, and Civil Service Supervisory Officials (PPK), resulting in lengthy bureaucratic procedures that reduce the deterrent effect of law enforcement. This condition demonstrates that institutional fragmentation remains one of the major obstacles to effective election supervision.

The limitations of bureaucratic neutrality are also discussed by Bozeman et al., (2024), who argue that excessive political influence over public administration may transform bureaucratic neutrality into passive complicity with political interests. In democratic systems, public bureaucracies are expected to maintain professional independence and serve public interests rather than partisan political objectives. Therefore, the persistence of neutrality violations may weaken democratic legitimacy and public trust in electoral institutions.

The findings of this study further indicate that digital media has become an increasingly dominant medium for neutrality violations. Political expressions through social media platforms were among the most frequent forms of violations identified during the election period. This finding corresponds with data published by BKN, (2024), which highlighted the growing trend of neutrality violations involving online political



activities and digital communication platforms. The increasing use of social media complicates supervisory mechanisms because political support may be expressed indirectly, symbolically, or through informal digital interactions that are difficult to monitor comprehensively.

From a democratic governance perspective, effective election supervision is essential for maintaining constitutional order and democratic integrity. Suparto et al., (2024) emphasize that democratic elections require not only procedural legitimacy but also institutional integrity and equal political competition. Similarly, Kusdarini et al., (2022) argue that electoral supervision institutions play an important role in ensuring legal certainty and resolving electoral disputes fairly and transparently.

This study also demonstrates that preventive supervision remains more dominant than repressive law enforcement in maintaining ASN neutrality. Bawaslu has focused primarily on socialization, public education, and preventive monitoring to reduce the potential for neutrality violations. Such an approach reflects the preventive function of electoral law enforcement, which aims to build legal awareness rather than relying solely on punitive sanctions. Nevertheless, preventive efforts alone remain insufficient without stronger institutional authority and more effective sanction enforcement mechanisms.

The findings further support Supriyadi, (2024) argument that maintaining ASN neutrality in regional elections requires not only normative regulations but also institutional commitment, bureaucratic professionalism, and stronger political ethics within local governmental systems. Consequently, strengthening the effectiveness of Bawaslu's supervision requires comprehensive institutional reform, including improving supervisory authority, strengthening interinstitutional coordination, enhancing legal awareness among ASN, and developing a bureaucratic culture free from partisan political intervention.

From a methodological perspective, this study confirms the relevance of empirical juridical approaches in examining the implementation of law within social and political realities. Empirical legal research enables a more comprehensive understanding of how legal norms operate in practice and how sociopolitical conditions influence legal effectiveness (Wiraguna, 2024). Therefore, the study contributes not only to electoral law scholarship but also to broader discussions concerning democratic governance, bureaucratic professionalism, and institutional accountability in Indonesia.

#### **4. Conclusion**

The findings of this study demonstrate that the effectiveness of Bawaslu's supervision over ASN neutrality in Garut Regency has been implemented through preventive supervision, public socialization, coordination with related institutions, and handling of alleged neutrality violations. Preventive efforts conducted by Bawaslu contributed to increasing awareness regarding the importance of maintaining bureaucratic neutrality during elections. Nevertheless, the implementation of



supervision has not yet functioned optimally due to several institutional and sociopolitical obstacles.

Several factors influence the effectiveness of Bawaslu's supervision. From the legal substance perspective, existing regulations generally provide an adequate normative framework, although certain provisions remain open to multiple interpretations, particularly regarding political expressions through digital media. From the institutional perspective, limitations in supervisory authority, human resources, and operational coverage areas affect the effectiveness of supervision and law enforcement mechanisms. The effectiveness of supervision is also influenced by the level of legal awareness among ASN and by bureaucratic culture, including patronage relationships and political pressure from regional elites.

This study further indicates that violations of ASN neutrality are not solely caused by weaknesses in legal regulation but are also shaped by sociopolitical dynamics within local governmental structures. Therefore, strengthening ASN neutrality requires not only stricter legal enforcement but also institutional strengthening, enhancement of supervisory coordination, improvement of legal awareness, and development of a professional bureaucratic culture free from political intervention.

The study concludes that Bawaslu has performed an important role in maintaining ASN neutrality during elections in Garut Regency; however, the effectiveness of supervision still requires improvement to ensure the implementation of democratic elections characterized by fairness, integrity, and bureaucratic professionalism. Future efforts should focus on strengthening institutional authority, improving inter-agency coordination, and expanding preventive legal education regarding ASN neutrality in electoral processes.

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