

# Threats to The Meritocracy and Neutrality of State Civil Apparatus

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**Abstract:** The dissolution of the Indonesian Civil Servant Commission (KASN) shall be seen as a setback for bureaucratic reform. It has raised a serious concern about the future of the meritocracy and neutrality of state civil apparatus (ASN) in Indonesia. KASN guarded the principle of meritocracy by ensuring the recruitment, promotion, and transfer processes of ASN were based on competence and performance. Dissolving KASN through unaccountable legislative processes is questionable action. This normative legal article employed the qualitative approach, using primary legal sources, such as positive laws. In addition, it used secondary legal sources, e.g., literature and other valid and relevant information. Therefore, this research is prescriptive and analytical. This article discusses the impacts of the dissolution of KASN on Indonesia's bureaucracy and the urgency of continuing meritocratic supervision to ensure that ASN remains professional and free from political pressure.

**Keywords:** State Civil Apparatus; Indonesian Civil Servant Commission; Meritocracy, Neutrality.

## 1. Introduction

Law Number 20 of 2023 on State Civil Apparatus (Law 20/2023) was introduced to replace Law Number 5 of 2014 (Law 5/2014), bringing about a number of changes that threaten the management of the state civil apparatus (ASN). It occurred despite the Law 5/2014 had been considered as a positive milestone in Indonesia's bureaucratic reform.<sup>1</sup>

One of the most considerable changes is the dissolution of the Indonesian Civil Servant Commission (KASN). This independent body had a vital role in ensuring the implementation of the principle of meritocracy and maintaining the neutrality of ASN. KASN may also prevent political intervention in the selection and promotion processes. According to the Executive Director of Komite Pemantauan Pelaksanaan Otonomi Daerah (Committee for Monitoring the Implementation of Regional Autonomy/KPPOD), Herman N Suparman, it is a setback for bureaucratic reform and a bad *legacy* of President Joko Widodo's leadership.<sup>2</sup>

Under Law 5/2014, KASN played a supervisory role in ensuring that each recruitment, promotion, and transfer process of ASN followed the principles of meritocracy, i.e., competence and performance. The dissolution of KASN under Law 20/2023 has raised concerns that the supervision of the implementation of ASN's meritocracy and neutrality will be weakened, allowing political intervention to undermine ASN's professionalism.

The dissolution of KASN under Law 20/2023 has the potential to disrupt efforts to maintain ASN's neutrality from any political influence, particularly in general elections and regional elections. In the 2024 Elections, KASN revealed 403 reports on alleged violations of ASN's neutrality.<sup>3</sup>

After KASN was dissolved, the mechanism for monitoring ASN's neutrality becomes limited, and no special body has been mandated to follow up on those violations. As a consequence, ASN is vulnerable to political pressure, particularly those at the regional level who are used by local political actors for their electoral interests. Therefore, dissolving KASN can undermine the foundation of ASN's neutrality, which should be free from political interests.

Furthermore, the absence of KASN can pose a threat to the meritocracy system of ASN. To ensure competency and performance standards for filling ASN positions, KASN played a pivotal role in promoting ability- and quality-driven bureaucracy.<sup>4</sup>

With no supervisory body focusing on meritocracy, the appointment and promotion of ASN will be based on non-professional factors, including political affiliation or personal interests. It has the potential to reduce the quality of public services because the selected ASN may not be quite competent.

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1 Riris Katharina, "Reformasi Manajemen Aparatur Sipil Negara: Evaluasi Peran Pejabat Pembina Kepegawaian dan Komisi Aparatur Sipil Negara", *Jurnal Spirit Publik*, Vol. 13, No. 2 (2018), p. 2.

2 Kompas.com, "KPPOD: Revisi UU ASN Jadi "Legacy" Buruk Jokowi karena Bubarkan KASN", article, downloaded on October 23, 2024.

3 Komisi Aparatur Sipil Negara, "Ratusan ASN Langgar Netralitas Jelang Pemilu, Lebih Sistemik dan Nekat", article, downloaded on October 24, 2024.

4 Indonesia Corruption Watch, "KASN Dibubarkan, Netralitas ASN di Ujung Tanduk?", article, downloaded on October 24, 2024.

In addition, the dissolution of KASN is the loss of an increasingly crucial factor because Indonesia's bureaucratic model places political officials as bureaucratic superiors, a driving factor in the politicization of ASN. Supervising and maintaining meritocracy are too formidable for Ministry of State Apparatus Empowerment and Bureaucratic Reforms (Kemenpan RB). Self-evaluation is not sufficient, so independent supervisors are necessary to prevent ASN from being used for certain political interests or becoming a political machine for the ruler. The transparent selection overseen by KASN allows those who are competent to fill positions based on their fields, reducing collusion, compromise, and nepotism.<sup>5</sup>

Those issues mentioned above show that the dissolution of KASN under Law 20/2023 has gravely threatened ASN's meritocracy and neutrality. Therefore, this research aims to answer two questions. *First*, how was Law 20/2023 made? *Second*, how does the dissolution of KASN affect ASN's meritocracy and neutrality?

## 2. Methodology

This *normative legal* research was conducted using literature or secondary data.<sup>6</sup> This research is *descriptive* because it describes something in a certain time and space.<sup>7</sup>

In this study, the material used includes primary legal sources, secondary legal sources, and tertiary legal sources.<sup>8</sup> The primary legal sources consist of the 1945 Constitution and the Law on State Civil Apparatus. On the other hand, the secondary legal sources are scientific work, books, and print and electronic resources relevant to this research.

All those legal sources were collected through library research.<sup>9</sup> Thus, the author gathered data from relevant laws, Constitutional Court decisions, and research results. The legal sources were classified according to research questions. Then, they were scrutinized and filtered for further analysis. Next, the data were analyzed qualitatively using the *statute approach*, *historical approach*, and *case approach*.<sup>10</sup>

## 3. Important Role of State Civil Apparatus in Government

Bureaucracy plays a pivotal role in modern society and government systems. It determines the quality of the implementation of public policy which has been established. In addition, it represents the state in public services.<sup>11</sup> The main drivers of this bureaucracy are government employees, civil servants (PNS), or State Civil

<sup>5</sup> Indonesia Corruption Watch, *Ibid*.

<sup>6</sup> Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, (Jakarta: RajaGrafindo, 2006), p. 13.

<sup>7</sup> Bambang Waluyo, *Penelitian Hukum dalam Praktik*, (Jakarta: Sinar Grafika, 2002), p. 8 – 9.

<sup>8</sup> Soerjono Soekanto, *Ibid*.

<sup>9</sup> Bambang Waluyo, *Op.cit*, p. 19.

<sup>10</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, (Jakarta: Kencana, 2006), p. 93 – 94 .

<sup>11</sup> Badu Ahmad, "Kondisi Birokrasi di Indonesia dalam Hubungannya dengan Pelayanan Publik", *Jurnal Administrasi Publik*, Vol. IV, No. 1, 45-62, 2008, p. 47.

Apparatus (ASN).<sup>12</sup>

Under Article 10 of Law 20/2023, ASN performs three functions, namely implementing public policy, delivering public services, and being the glue for and unifying the nation.

In terms of public services, the neutrality of ASN is of paramount importance to ensure that bureaucrats do not change in the delivery of public services, despite the change of government. In other words, ASN continues playing its roles and responsibilities for delivering professional and good public services, despite a change in administration.

According to Kamus Besar Bahasa Indonesia (Great Dictionary of the Indonesian Language/KBBI), neutrality refers to being neutral, impartial, or free.<sup>13</sup> According to Nuraida Mokhsen, ASN's neutrality implies *impartiality*. In other words, ASN should be free from interests, intervention, and influence; fair; objective; and impartial.<sup>14</sup> Meanwhile, as cited by Sri Hartini, Marbun says that neutrality refers to the freedom of civil servants (PNS) from the influence of certain political parties' interests; moreover, they should not take sides in particular political parties or should not play a role in any political process.<sup>15</sup>

Neutrality is one of the essential principles in the delivery of public services, government, and development. Each ASN should neutrally and professionally carry out his or her duties. Nonetheless, the implementation of ASN's neutrality continues to be intensely debated. Therefore, it is necessary to discuss neutrality and its important role in government further. In this regard, ASN is expected to carry out each duty professionally.

The neutrality of ASN has been discussed since the national mass movement in 1998, or 26 years ago. The reform was the starting point for changes in Indonesia's government system. These changes included changes in political institutions, such as democratic consolidation and decentralization.

To promote a democratic state, there should be synchronization of various elements, including in government by managing the personnel system. Transformation through bureaucratic reform is necessary to create competent and professional state apparatus for promoting *good governance*.<sup>16</sup>

The main subject in bureaucratic reform is civil servants who work for the institutional objectives set by their superiors and the democratic society.<sup>17</sup> PNS plays a significant role in delivering public services for the success of sustainable

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<sup>12</sup> *Ibid.*

<sup>13</sup> Komisi Aparatur Sipil Negara, "Netralitas ASN di Tengah Intervensi Politik", Policy Brief, (Jakarta: KASN, 2017), p. 2.

<sup>14</sup> Komisi Aparatur Sipil Negara, "Pengawasan Netralitas Aparatur Sipil Negara", (Jakarta: KASN, 2019), p. 5.

<sup>15</sup> *Ibid.*

<sup>16</sup> Aldelina Berlianti Akny, "Mewujudkan Good Governance melalui Reformasi Birokrasi di Bidang SDM Aparatur untuk Peningkatan Kesejahteraan Pegawai", *Jejaring Administrasi Publik*. Vol. VI, Number 1, (January-June 2015), p. 417.

<sup>17</sup> Abdul Hamid Tome, "Reformasi Birokrasi dalam Rangka Mewujudkan Good Governance Ditinjau dari Peraturan Menteri Pemberdayaan Aparatur Negara dan Reformasi Birokrasi Nomor 20 Tahun 2010", *Jurnal Hukum Unsrat*, Vol. XX, No. 3, April-June 2012, p. 143.

development. However, the state needs human resources (SDM), i.e., professional PNS.

Under the prevailing law, PNS is part of state civil apparatus (ASN). One of the issues of concern today is the politicization of ASN. It affects ASN's performance due to potential conflicts of interest. It is hard for ASN to professionally perform its roles and responsibilities as public servants, due to conflicting with various interests. Internal and external actors, i.e., the superior and other people, have the potential to politicize and influence ASN.

In practice, the politicization of bureaucracy can be seen when there are political relations between PNS and elected regional heads; the PNS fills a position due to the *marriage system*, instead of the *merit system* or competence.<sup>18</sup>

In the national legal framework, ASN is the general norm of civil servants.<sup>19</sup> In this respect, public servants in Indonesia consist of PNS, personnel of the Indonesian Military (TNI), and personnel of the Indonesian National Police (Polri).

The definitions of public servants and ASN are stipulated in Law 20/2023. Under the ASN Law, civil servants are referred to as PNS; they are Indonesian citizens who meet certain requirements and are appointed as permanent ASN by PPK to occupy positions in government. Meanwhile, ASN is PNS and contract-based government employees who are appointed by PPK and fill a position in government or perform other official duties; they are paid in accordance with laws and regulations.<sup>20</sup>

Like their counterparts in the United Kingdom and France, public servants in Indonesia adopt the career system. They are recruited through certain selection tests, earn special salaries and allowances, and receive pensions.<sup>21</sup> In the United Kingdom, civil servants belong to the *British Civil Service*. They are recruited and promoted based on their expertise. They have to stay neutral and may not be involved in political campaigns. In the United States, public servants fill any positions within the executive branch, legislative branch, and judiciary, except certain positions in the *uniformed services*.<sup>22</sup>

According to the National Civil Service Agency (BKN), in the first half of 2024, the number of State Civil Apparatus (ASN) in Indonesia was significant, at 4,758,730. There were 1,033,000 ASN personnel in the central government. On the other hand, 3,725,730 personnel filled various positions in local governments.<sup>23</sup>

18 Tedi Sudrajat and Agus Mulya Karsona, "Menyoal Makna Netralitas Pegawai Negeri Sipil dalam Undang-Undang Nomor 5 Tahun 2014 tentang Aparatur Sipil Negara", *Jurnal Media Hukum*, Vol. 23, No. 1 of 2016, p. 88.

19 Banani Bahrul, "Meneguhkan Netralitas, Mematri Imparsialitas", *Jurnal Etika dan Pemilu*, Vol. 1, No. 3, 2015, p. 43.

20 See Article 1 point 1 and point 3 of Law Number 20 of 2023 on State Civil Apparatus.

21 Banani Bahrul, "Meneguhkan Netralitas...", p. 45.

22 *Ibid.*

23 Badan Kepegawaian Negara, "Buku Statistik Aparatur Sipil Negara Semester I Tahun 2024", (Jakarta: Badan Kepegawaian Negara, 2024), p. 6.

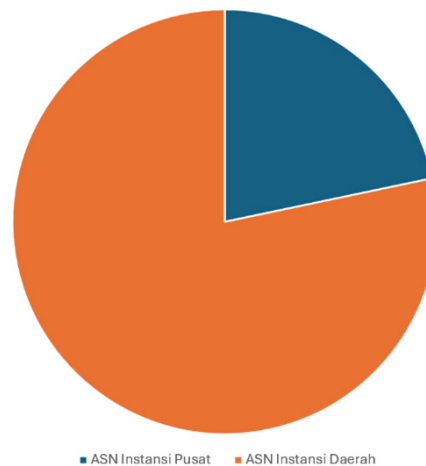


Figure 1: The Number of ASN in the First Half of 2024

Source: Badan Kepegawaian Negara, 2024.

This composition reflects how the distribution of ASN was dominated by assignments at the regional level due to the more intensive and diverse needs for public services in local administrative areas. However, the large number of ASN in local governments presents challenges to the supervision and enforcement of the principles of meritocracy and neutrality owing to different needs and challenges in each region.

The enormous number of ASN also has an impact on managerial and budgeting aspects in the public sector. The government needs to formulate an effective policy on personnel to maintain the productivity and professionalism of ASN, particularly in regions where public services are urgently needed. In addition, the larger number of ASN in regions suggests the need to increase human resource capacity for carrying out government functions and public services at various levels. Therefore, the government should balance budgets, training, and development for ASN, so the quality of public services remains excellent and follows the principles of good governance.

#### 4. How Law 20/2023 Was Poorly Made

Law 5/2014 was the first milestone in Indonesia's bureaucratic reform. Previously, Law Number 8 of 1974 on State Servants was *replaced by* Law Number 43 of 1999 on the Amendment to Law No. 8/1974, bringing about fundamental changes in Indonesia's personnel system.<sup>24</sup> In this regard, Law 5/2014 has provided an artificial stimulus, as Caiden argues, to prevent bureaucracy from being unprofessional, underperforming, and being unneutral. Bureaucratic reform is expected to improve bureaucratic performance. The Indonesian bureaucracy is known for the slow, unprofessional, corrupt, and unneutral performance of PNS in the past. Thus, bureaucratic reform is being made to change the image.

<sup>24</sup> See Law Number 8 of 1974 on State Servants and Law Number 43 of 1999 on the Amendment to Law No. 8/1974



However, Law 20/2023 is a setback for the long journey of bureaucratic reform in Indonesia. Several provisions in this law are deemed to be in conflict with the spirit of bureaucratic reform, particularly in terms of strengthening the principles of ASN's meritocracy and neutrality. The dissolution of KASN reflects a shift in personnel policy that has the potential to undermine ASN's integrity.

The bill which became Law 20/2023 was part of the 2020 Priority National Legislation Program. It suggests the importance of bureaucratic reform to improve the quality of governance in Indonesia. Initially, one of the bill's main objectives was to improve the management of ASN, so ASN became more professional, had integrity, and was more efficient in delivering public services. However, the lengthy discussion of the bill indicates immense complexity, particularly in terms of provisions considered able to meet the needs and challenges to ASN reform.

The bill had been deliberated for two years and nine months before it was passed on October 31, 2023. The duration shows the various dynamics and in-depth discussions between the government and the House of Representatives (DPR) to agree on the content and direction of ASN policy in the law. Initially, several aspects became the focus of discussion and were formulated into seven main clusters, i.e., strengthening the merit system; determining what ASN needs; improving ASN's welfare; adjusting ASN due to organizational downsizing; managing honorary workers; digitizing ASN management; and regulating ASN in the executive branch, legislature, and judiciary. These clusters reflect efforts to make bureaucracy more adaptive and efficient.

However, during the deliberation, the dissolution of KASN was not openly discussed. In those clusters, there was no discussion about KASN, despite its independent and important role in overseeing the implementation of the principles of ASN's meritocracy and neutrality.

This is surprising because the dissolution of KASN is a significant change and has the potential to affect the quality of supervision and the implementation of ASN's meritocracy. The absence of this discussion raises questions about the rationale behind the removal of KASN from the ASN management system, given its pivotal role in preserving the independence of ASN from political intervention.

The dissolution of KASN with no adequate deliberation raises concerns over the lack of transparency and participation in lawmaking.<sup>25</sup> As a result, ASN becomes more vulnerable to political intervention, and it is hard to maintain professionalism without effective control mechanisms. Therefore, the absence of KASN in the discussion and its dissolution in Law 20/2023 can be seen as a setback for promoting meritocracy and neutrality in bureaucracy.

During the deliberation about Law 20/2023, there were proposals and recommendations for the institutional strengthening of KASN. In the discussion, strengthening KASN was considered important to follow the principle of ASN's meritocracy and to ensure ASN's neutrality in the face of political pressure.

This recommendation reflects the need for an independent body which

<sup>25</sup> This measure has also led to the perception of how the lack of independent supervision could hamper the objective of bureaucratic reform.

oversees and protects meritocracy in bureaucracy, so ASN becomes professional and competent. With institutional strengthening, KASN was expected to overcome challenges ASN faces on the ground, such as political intervention in recruitment, promotion, and transfer.

#### **4.1. The Dissolution of the Indonesian Civil Servant Commission Contradicts Recommendation of the Legal Reform Acceleration Team**

Dissolving KASN under Law 20/2023 is in conflict with the short-term recommendation put forward by the Legal Reform Acceleration Team.<sup>26</sup> This team recommended that KASN's role be strengthened and made more effective in supervision to ensure the implementation of the merit system in ASN. The recommendation reflects the direction of policy consistent with the objective of bureaucratic reform, i.e., to make bureaucracy professional, transparent, and free from political influence.

The dissolution of KASN is a crucial step and has a direct impact on the ASN management system. However, it is contrary to the recommendation offered by the government's team, raising serious questions about this policy. The dissolution of KASN also poses big questions about the objective and rationale behind Law 20/2023. Considering KASN's significant role in maintaining ASN's neutrality and meritocracy, its dissolution has the potential to undermine independent supervision in ASN. In democratic government, an independent supervisory body like KASN is necessary to prevent ASN from being politicized, particularly at crucial times such as ahead of elections. Without KASN, ASN is probably vulnerable to political influence, which in turn can threaten ASN's independence as public servants.

Overall, dissolving KASN under Law 20/2023 contradicts the direction of bureaucratic reform and raises concerns about the government's lack of commitment to the principles of good governance. As a result, the dissolution of KASN is deemed to be a setback for the effort to make bureaucracy professional and free from political interests. With no adequate supervision mechanism, ASN may lose its footing in following the principles of meritocracy and neutrality.

#### **4.2. Political Motive behind the Amendment to the Law on State Civil Apparatus**

The amendment to the ASN Law through Law 20/2023 is strongly considered political. It was ratified five months before the 2024 elections, raising suspicions about a political motive behind it, given ASN's crucial role in government and public services. ASN is one of the important elements in bureaucracy and must be neutral and professional, but the amendment of the ASN Law allows potential politicization that can undermine ASN's

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<sup>26</sup> This team formed by the Coordinating Ministry for Political, Legal, and Security Affairs (Kemenkopolkam)



independence. The most highlighted aspect is the dissolution of KASN. It eliminates the institution's supervision over ASN's meritocracy and neutrality, despite its independently maintaining the integrity of ASN.

Law 20/2023 was passed ahead of the elections, raising concerns about the possibility of certain parties using ASN as a political instrument. With its direct impact on the public through public services, ASN is vulnerable to being mobilized to support certain political interests in the absence of strict supervision over its neutrality. In the context of electoral politics, the ratification of this law has the potential to weaken the oversight mechanism over ASN's involvement in practical politics, which can disrupt neutrality and undermine the principle of meritocracy established for decades through bureaucratic reform. This potential conflict of interest was even more evident when the law was ratified ahead of the elections, when supervision over ASN's neutrality should have been strengthened.

According to Pusat Studi Hukum dan Kebijakan Indonesia (Indonesian Center for Law and Policy Studies/PSHK), the amendment to the ASN Law was an "election commodity", or a draft law considered sensitive to practical political interests, such as the Village Bill. This kind of draft law is often passed in the run-up to elections, showing the strategic interests of various parties in influencing ASN or other actors related to the electoral process.

When the ASN Law was amended, the absence of an independent oversight mechanism by KASN raised concerns that this change could be used to make bureaucracy more compliant with certain political interests. It is contrary to the spirit of bureaucratic reform, which should be undertaken to make ASN neutral and professional.

Through the lens of legal policy, the amendment to the ASN Law to serve political interests ahead of the elections reflects a strategy for gaining political influence, instead of improving governance. When legislation serves short-term electoral interests, the quality of the regulation becomes dubious. In the long run, this situation has the potential to undermine the principles of democracy and professionalism in bureaucracy, which should be free from political interests. Therefore, the amendment to the ASN Law in the run-up to the elections, particularly its impact on the credibility and independence of Indonesia's bureaucracy, needs to be paid close attention.

## **5. Problems and Threats of Dissolving the Indonesian Civil Servant Commission to ASN's Meritocracy and Neutrality**

KASN, an independent body playing a pivotal role in maintaining the implementation of the principles of ASN's meritocracy and neutrality, was mandated to oversee the processes of selection, promotion, and transfer and make them free from political intervention. After the dissolution of KASN under Law 20/2023, there has been no independent supervisory function as the main bastion protecting ASN from political interests.

With no institution focusing on upholding the principles of ASN's meritocracy and neutrality, there is no supervisory mechanism, making ASN more vulnerable to politicization. As a result, it is easier for political actors to mobilize ASN at regional and central levels for certain interests, directly contradicting the principle of ASN as neutral and professional apparatus.

However, until now, the achievement of bureaucratic reform cannot be separated from KASN's performance. Over the nine years of KASN's existence, the government effectiveness index (2014 – 2021) saw a significant increase. It implies that Indonesia's bureaucratic reform was *on the track*.



Figure 2: Progress of Government Effectiveness Index (2014 – 2021)

Government Effectiveness Index

Source: Theglobaleconomy.com

According to the international community, there were improvements in the quality of public services, the delivery of public services and their independence from political pressure, the quality of policy formulation and implementation, and the government's commitment to implementing this policy.

Furthermore, dissolving KASN can also weaken the meritocracy system in the ASN bureaucracy.<sup>27</sup> Without an independent supervisory body such as KASN, the recruitment and promotion of ASN become vulnerable to manipulation, which can result in a decrease in the quality of public services. KASN plays an important role in making ASN professional and competent, so its dissolution has a direct impact on the quality of bureaucratic management. Therefore, Law 20/2023 is considered a setback for bureaucratic reform that emphasizes the principles of good governance and needs to be evaluated to refocus on strengthening ASN's meritocracy and neutrality.

In addition, the dissolution of KASN threatens the neutrality of ASN, particularly ahead of political moments such as elections.<sup>28</sup> Without KASN, there has been no special body focusing on monitoring and dealing with violations of neutrality, so ASN becomes more vulnerable to political pressure from certain parties. When no longer

<sup>27</sup> The principle of meritocracy, which prioritizes competence and performance, can be replaced by other factors, such as political connections or personal affiliations.

<sup>28</sup> KASN plays an important role in dealing with and preventing violations of ASN's neutrality by investigating reports and following up on allegations of ASN's involvement in practical politics.

protected from political intervention, ASN can be forced to take part in partisan political activities, which are contrary to the principle of ASN's neutrality and can interfere with the integrity of the delivery of public services.

In the long run, the impact of dissolving KASN on ASN's meritocracy and neutrality will affect public trust in bureaucracy. Unneutrality or conflicts of interest in politics can affect the public perception of bureaucracy's integrity and objectivity. It prevents the public from getting professional and fair services and threatens the continuity of bureaucratic reform in Indonesia. Therefore, there needs to be an equivalent supervisory mechanism to replace KASN's role in maintaining the principles of ASN's meritocracy and neutrality and prevent bureaucratic reform from suffering a setback.

Based on the issues above, the decision to dissolve KASN needs to be thoroughly reviewed. KASN independently oversaw the implementation of meritocracy and maintained ASN's neutrality, crucially maintaining bureaucracy's professionalism and integrity. The dissolution of KASN considerably weakens supervision over ASN when it is increasingly important for ASN to be free from political interests. Without an institution focused on such supervision, ASN becomes more vulnerable to political intervention and conflicts of interest, which can have a negative impact on the quality of public services and bureaucratic neutrality.

Transferring KASN's role in supervising ASN's neutrality to BKN causes new problems, particularly related to the absence of *checks and balances* between state agencies in maintaining ASN's professionalism. BKN, an agency involved in managing ASN personnel management, has potential conflicts of interest when monitoring ASN's neutrality. In the absence of an independent supervisory body such as KASN, BKN performs the oversight function without external and independent verification or evaluation. In contrast, KASN independently offered *checks and balances*, playing an important role in ensuring that supervision over ASN was objective without internal influences.

The absence of *checks and balances* between state agencies in overseeing ASN's neutrality can threaten the principles of *good governance* promoting accountability and transparency. Without independent supervision, BKN faces challenges to maintaining the integrity of effective supervision free from conflicts of interest.

Therefore, the decision to dissolve KASN and transfer its function to BKN needs to be evaluated, considering its impact on ASN's meritocracy and neutrality. For instance, ASN's neutrality can be overseen by an independent body. Likewise, additional oversight mechanisms can be provided for external verification and control to minimize ASN's vulnerability politicization and ensure professional and transparent bureaucracy.

## 6. Conclusion

The success of bureaucratic reform in Indonesia cannot be separated from KASN's pivotal role in maintaining ASN's meritocracy and neutrality. As an independent body, KASN was mainly responsible for ensuring that the entire ASN

recruitment, promotion, and transfer processes were based on fair and transparent meritocratic principles. Therefore, KASN made bureaucracy more professional and prevented the politicization of the ASN. However, the dissolution of KASN under Law 20/2023 is a major setback for the bureaucratic reform agenda, given its crucial role in overseeing ASN's integrity and quality.

The law was poorly made, raising fundamental questions about the direction of bureaucratic reform policy in Indonesia. It was passed without adequate transparency and public participation, and little attention was paid to input from various stakeholders in bureaucratic reform. In addition, dissolving KASN without independent oversight mechanism to replace it shows a potential conflict of interest and unclear direction of bureaucratic reform, which should strengthen, not weaken, the principles of ASN's meritocracy and neutrality. It casts a doubt on the government's commitment to maintaining a professional bureaucratic system free from political intervention.

The dissolution of KASN should be thoroughly reviewed, considering that the decision contradicts the spirit of bureaucratic reform to promote professionalism, neutrality, and integrity in ASN. As an independent oversight body, KASN reflects checks and balances to ensure that bureaucracy follows applicable rules without being affected by political pressure. Dissolving KASN, without an equivalent mechanism to replace it, will weaken supervision over ASN's neutrality, making ASN vulnerable to politicization, particularly ahead of elections. Thus, the Law needs to be evaluated to ensure that key principles behind bureaucratic reform are still followed and not degraded by political short-termism.

In addition, it contradicts the recommendation of the Legal Reform Acceleration Team, suggesting KASN's strengthening to support ASN management based on meritocracy and free from political intervention. This recommendation reflects the need for close supervision to maintain the integrity of bureaucracy and continue the ongoing reform agenda. Ignoring this recommendation, the dissolution of KASN contradicts the objective of bureaucratic reform. Therefore, the government and policymakers should reconsider this step and ensure that the system of supervision over ASN can continue to run independently and effectively to make bureaucracy transparent, accountable, and highly competitive.

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