

**Legal Enforcing Political Neutrality among Contract-Based Government Employees (PPPK) in Local Elections: A Case Study of Purbalingga Regency**

**Jufri Mafit Sumantri<sup>1\*</sup>, Siti Kunarti<sup>2</sup>, Tedi Sudrajat<sup>3</sup>**

<sup>123</sup>Faculty of Law, Universitas Jenderal Soedirman, Indonesia

<sup>1</sup>mafityufri@gmail.com, <sup>2</sup>siti.kunarti@unsoed.ac.id, <sup>3</sup>tedi.sudrajat@unsoed.ac.id

**Abstract**

The enforcement of political neutrality among contract-based government employees (PPPK) presents complex legal and institutional challenges within Indonesia's decentralized administrative system. This study critically examines the legal, constitutional, and cultural dimensions of PPPK neutrality during regional elections, with a particular focus on the case of Purbalingga Regency. Using a socio legal methodology, the research combines doctrinal, normative, and empirical approaches to assess the effectiveness of existing legal instruments, primarily Law Number 20 of 2023, and their practical application in local governance settings. The analysis draws on interviews, survey data, and field observations to evaluate the institutional capacity of civil service bodies such as BKD, KASN, and Panwaslu, as well as the role of civil society in oversight. The findings reveal significant enforcement gaps caused by regulatory ambiguity, overlapping institutional mandates, and limited internalization of neutrality as a professional ethic. Although neutrality is legally required, its implementation is constrained by legal uncertainty related to PPPK's dual identity as both public officials and holders of constitutional rights. The study argues that enforcement must move beyond formal legal provisions to include cultural legitimacy, institutional coordination, and adaptation to digital era challenges. Drawing on the legal doctrine of proportionality and the concept of law as a living institution, the study recommends regulatory reform, structured ethical training, and participatory monitoring mechanisms to promote accountability and safeguard democratic integrity within the civil service.

**Keywords:** contract-based civil servants; legal enforcement; political neutrality

**Abstrak**

*Penegakan asas netralitas politik terhadap Pegawai Pemerintah dengan Perjanjian Kerja (PPPK) menghadirkan tantangan hukum dan kelembagaan yang kompleks dalam kerangka tata kelola pemerintahan daerah di Indonesia. Studi ini menganalisis dimensi hukum, konstitusional, dan budaya dari pelaksanaan netralitas politik PPPK dalam konteks pemilihan kepala daerah, dengan fokus pada kasus di Kabupaten Purbalingga. Metode yang digunakan dalam penelitian ini yaitu yuridis sosiologis, dengan menggabungkan pendekatan normatif, konseptual, dan empiris untuk mengevaluasi efektivitas peraturan yang berlaku, khususnya Undang-Undang Nomor 20 Tahun 2023, serta aplikasinya dalam praktik administrasi daerah. Data diperoleh melalui survei,*

**\*Jufri Mafit Sumantri**

Tel.: +62 878-3809-1434

Email: mafityufri@gmail.com

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wawancara, dan laporan lapangan untuk menilai kapasitas institusional lembaga seperti BKD, KASN, dan Panwaslu, serta peran masyarakat sipil dalam pengawasan. Hasil penelitian menunjukkan bahwa ketidaksesuaian antara norma hukum dan praktik administratif bersumber pada ambiguitas regulasi, lemahnya koordinasi antarlembaga, dan rendahnya internalisasi netralitas sebagai etika profesi. Ketidakpastian hukum terkait status ganda PPPK sebagai aparatur negara sekaligus warga negara dengan hak konstitusional memperumit proses penegakan. Penegakan asas netralitas memerlukan penguatan sistem hukum yang terintegrasi, pendidikan hukum preventif, serta pembentukan budaya hukum yang partisipatif agar tercipta layanan publik yang adil, akuntabel, dan demokratis, khususnya pada masa pemilu.

**Kata kunci:** netralitas politik; penegakan hukum; PPPK

## 1. INTRODUCTION

Political neutrality in civil service represents both an ethical imperative and a constitutional requirement, particularly in the context of democratic elections. The role of the Indonesian state apparatus (Aparatur Sipil Negara or ASN), including contract-based employees (Pegawai Pemerintah dengan Perjanjian Kerja or PPPK), is central to maintaining electoral integrity and preserving public trust in government institutions. In the increasingly decentralized and competitive local political environment, recurring allegations of partisan behavior among bureaucrats have raised serious concerns.<sup>1</sup> PPPK employees are particularly vulnerable due to their fixed-term employment status, which increases their exposure to political influence and institutional pressure, while offering fewer administrative protections than those afforded to permanent civil servants.

The urgency of this issue was reflected in the 2020 simultaneous regional elections (Pilkada Serentak), when the State Civil Apparatus Commission (KASN) recorded more than 827 neutrality violations nationwide. A significant proportion of these cases involved non-structural or contract-based personnel, including PPPK employees. In Purbalingga Regency, election monitoring agencies such as Panwaslu documented repeated incidents involving PPPK staff, including participation in political events and passive expressions

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<sup>1</sup> Bagus Sarnawa and Fawaz Muhammad Khaer, "Historical Study of the Neutrality Arrangements of the State Civil Apparatus in General Elections in Indonesia," *Jurnal Media Hukum* 31, no. 2 (September 30, 2024): 262–79, <https://doi.org/10.18196/jmh.v31i2.22618>.

of support on digital platforms.<sup>2</sup> Actions of this kind, even when informal or subtle, undermine the credibility of the electoral process and contradict the principle of impartial governance.

Indonesia's legal framework provides a strong constitutional and statutory foundation for enforcing neutrality. Article 28D (3) of the 1945 Constitution guarantees equal protection under the law, and Article 1 (2) affirms that sovereignty resides with the people, requiring a nonpartisan public service. Law Number 20 of 2023 on the State Civil Apparatus strengthens this mandate by prohibiting political affiliation and partisan behavior under Article 9 (2), while also recognizing neutrality as a core ASN value under Article 2. Additional instruments, such as Government Regulation Number 42 of 2004 on the Civil Servant Code of Conduct and the 2020 Joint Ministerial Decree (SKB), establish procedural mechanisms for monitoring neutrality through inter-agency collaboration among BKN, KASN, Bawaslu, the Ministry of Home Affairs, and the Ministry of Administrative and Bureaucratic Reform (KemenPAN-RB). Despite being formally integrated into the ASN category, PPPK employees remain distinct in both legal and structural terms. Their fixed-term status excludes them from tenure, promotion, and career development systems. Local governments often lack technical guidelines or standard operating procedures specific to PPPK neutrality, resulting in regulatory ambiguity. These conditions place PPPK employees in a vulnerable position, where they are held accountable for neutrality obligations without adequate institutional support.

Previous research on civil servant neutrality has primarily focused on permanent officials (PNS). Studies such as Arhdan<sup>3</sup>, examined coordination among institutions like Gakkumdu, KASN, and Bawaslu during the 2020 elections in West Sumatra, but did not address PPPK. Research by Wahir<sup>4</sup>, explored weak enforcement in Pringsewu during the

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<sup>2</sup> Rasyidin and Fidhia Aruni, "The Urgency for the Implementation of Simultaneous Regional Elections During the Covid-19 Pandemic in Indonesia in 2020," in *Proceedings of the International Conference on Social Science, Political Science, and Humanities (ICoSPOLHUM 2020)* (Paris, France: Atlantis Press, 2021), <https://doi.org/10.2991/assehr.k.210125.052>.

<sup>3</sup> Sandy Mulia Arhdan, "Penegakan Hukum Terhadap Pelanggaran Netralitas Aparatur Sipil Negara Dalam Pilkada Serentak 2020 Di Sumatera Barat" (Universitas Andalas, 2024), <https://doi.org/https://doi.org/10.31933/unesrev.v5i3.391>.

<sup>4</sup> Wahir, "Netralitas Aparatur Sipil Negara (ASN) Dalam Pemilu Di Kabupaten Pringsewu Tahun 2019" (Universitas Lampung, 2019), <http://digilib.unila.ac.id/69956/>.

2019 elections but did not distinguish between categories of civil servants. Structural studies by Sebtianingsih<sup>5</sup> and Artisa<sup>6</sup>, acknowledged disparities in PPPK employment conditions without connecting them to neutrality or electoral behavior. These studies highlight a gap in understanding how legal obligations related to neutrality apply to PPPK employees, who occupy a unique and understudied position within Indonesia's civil service architecture.

This research addresses that gap by examining how political neutrality is enforced for PPPK employees in the context of regional elections, using Purbalingga Regency as a case study. The analysis evaluates legal and institutional frameworks, their implementation at the local level, and the challenges arising from administrative structures, regulatory inconsistencies, and socio-political dynamics. The study contributes to broader discussions on electoral integrity, public service reform, and legal accountability in Indonesia's evolving democratic landscape.

## **2. RESEARCH METHODS**

This study employs an empirical juridical approach, also known as a socio-legal method, using qualitative techniques to examine the implementation of political neutrality among contract-based government employees (PPPK) during local elections in Purbalingga Regency. The research is classified as field research and is supported by library-based inquiry to obtain both primary and secondary data.<sup>7</sup> Primary data were collected through structured interviews with selected informants, including the Head of the Performance Evaluation and Awards Division at BKPSDM, an officer from the local election supervisory board (Bawaslu), and members of the local community.<sup>8</sup> Secondary data were drawn from legal documents, scholarly literature, and written sources, and were

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<sup>5</sup> N. Novita Sebtianingsih, A., Iskandar Ichlas, R., & Nashriany Jufri, "Government Employee with Work Agreement (PPPK) Position and Regulation in Staffing System Based on Civil Servant Act," *UNES Law Review* 7, no. 1 (2024): 1–9, <https://doi.org/https://doi.org/10.31933/unesrev.v7i1.2215>.

<sup>6</sup> Rike Anggun Artisa, "Pegawai Pemerintah Dengan Perjanjian Kerja (PPPK): Review Terhadap UU No. 5 Tahun 2014 Tentang Aparatur Sipil Negara," *Jurnal Pembangunan Dan Kebijakan Publik* 6, no. 1 (2017): 1–10, <https://journal.uniga.ac.id/index.php/JPKP/article/view/214>.

<sup>7</sup> Zainal. Amiruddin & Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: Rajawali Press, 2012).

<sup>8</sup> *Ibid.*

categorized into three types: primary legal materials, such as the 1945 Constitution, Law Number 20 of 2023 on State Civil Apparatus, and related government regulations; secondary legal materials, including academic publications and legal commentaries; and tertiary legal materials, such as legal dictionaries, news reports, and online sources.<sup>9</sup> The study employed purposive sampling to select participants and applied source triangulation to ensure the credibility of the data. Data collection involved both observation and interviews, while the data were analyzed qualitatively using descriptive methods to construct narrative interpretations. Data validity was enhanced through triangulation by comparing information obtained from different sources. Conclusions were developed inductively, allowing general insights to emerge from specific observations made in the field.<sup>10</sup>

### **3. RESULTS AND DISCUSSION**

#### **3.1. An Analysis of PPPK Political Neutrality Enforcement: Between Regulation and Reality in Purbalingga Regency**

The implementation of political neutrality for Government Employees with Work Agreements (PPPK) in Purbalingga is firmly grounded in Law Number 20 of 2023 on the State Civil Apparatus (ASN). Article 9 paragraph (2) of the law explicitly mandates that all ASN, including PPPK employees, must remain politically neutral and refrain from any form of political influence or involvement. This legal obligation reflects the state's broader objective to uphold a professional, impartial bureaucracy, particularly during politically sensitive periods such as regional elections.<sup>11</sup> At the regional level, the Purbalingga Civil Service Agency (BKD) plays a pivotal role in translating this mandate into operational policy and monitoring mechanisms. In anticipation of election periods, BKD regularly circulates internal memorandums and official circular letters to reinforce neutrality obligations among PPPK personnel. These communications function as formal

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<sup>9</sup> Jonaedi Efendi and Prasetijo Rijadi, *Metode Penelitian Hukum Normatif Dan Empiris: Edisi Kedua* (Depok: Prenadamedia Group, 2022), <https://books.google.co.id/books?id=j1W6EAAAQBAJ>.

<sup>10</sup> Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 1991).

<sup>11</sup> Muhammad Kurniawan Malik and Wa Ode Rafiuddarajat, "Bureaucratic Politicization in the Era of Regional Direct Elections," 2024, 486–93, [https://doi.org/10.2991/978-2-38476-236-1\\_50](https://doi.org/10.2991/978-2-38476-236-1_50).

reminders prohibiting both direct political actions, such as participating in campaign rallies, and indirect expressions of political support, including liking or sharing partisan content on social media platforms. BKD also conducts periodic briefings and ethics training sessions intended to internalize neutrality principles as part of the daily conduct of public service.

In response to the national regulatory update in 2023, the Purbalingga government adopted a series of internal technical guidelines to provide clearer, more detailed instructions on neutrality enforcement. These local instruments delineate specific types of prohibited behavior, including the use of political attributes, digital political expression, and covert support for candidates or parties. This regulatory refinement serves as a preventive strategy to close interpretive gaps and provide procedural clarity for PPPK employees, ensuring not only awareness of the principle but also actionable standards for compliance.

Based on survey findings and qualitative interviews, approximately 76% of PPPK personnel confirmed they had received formal instructions outlining neutrality obligations in advance of the 2024 Regional Elections. This indicates considerable progress in communication and outreach, though it also suggests that a portion of the workforce may remain uninformed or insufficiently briefed. The effectiveness of neutrality enforcement depends significantly on the consistency and comprehensiveness of information dissemination. Incomplete outreach poses risks of unintentional violations, particularly when employees are unclear about the boundaries between private political opinion and professional conduct.

Despite these efforts, key challenges remain in realizing effective neutrality enforcement. Subtle or symbolic infractions, such as indirect campaigning, coded language, or visual cues on social media, are difficult to monitor and prove. Moreover, the limited institutional capacity of BKD, especially in terms of human resources, constrains its ability to supervise PPPK personnel across diverse departments and locations.<sup>12</sup> To address these shortcomings, it is recommended that local authorities invest

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<sup>12</sup> Ladiatno Samsara and Nurhuda Firmansyah, “Manajemen Pegawai Pemerintah Dengan Perjanjian Kerja (Pppk): Sebuah Alternatif Kepegawaian Baru Selain PNS,” National Conference on Applied

in transparent and accessible reporting mechanisms, promote public engagement, and collaborate with external oversight bodies. These steps will not only strengthen detection and deterrence but also help embed neutrality as a lived institutional value, rather than a merely formal administrative requirement.

Based on the foregoing discussion, the legal and institutional framework for PPPK neutrality in Purbalingga can be summarized in the following table:

**Table 1.** Legal Framework Analysis for PPPK Neutrality

Regulation/Policy	Content Summary	Implementing Body	Observed Compliance
<b>Law No. 20 of 2023 (Art. 9)</b>	Prohibits ASN, including PPPK, from political activity	National Civil Service Agency	High
<b>Purbalingga BKD Circular No. 3/2024</b>	Reiteration of neutrality principles	Local Civil Service Agency	Moderate
<b>KASN Guidelines 2022</b>	Indicators and sanctions for neutrality breaches	KASN & Local Supervisors	Partial

Source: Processed primary data

Based on the table, the legal framework supporting the enforcement of political neutrality for Government Employees with Work Agreements (PPPK) comprises three primary regulatory instruments, each with distinct scope, legal authority, and levels of effectiveness. These instruments operate at both national and regional levels, forming a multi layered system aimed at maintaining bureaucratic impartiality and institutional integrity. The most fundamental component is Law Number 20 of 2023 on the State Civil Apparatus, particularly Article 9, which clearly prohibits all ASN, including PPPK, from participating in political activities. This law is issued at the national level and implemented by the National Civil Service Agency in coordination with regional governments. The provision is concise yet authoritative, establishing neutrality as a legal obligation. Based on available reports, the level of compliance is considered high. This outcome is attributed to the wide dissemination of the law and the potential legal



consequences for violations. The regulation serves as the normative anchor for subsequent implementing measures.

The second element is Circular Number 3 of 2024 issued by the Purbalingga Civil Service Agency. This circular functions as a local policy tool that reaffirms the national mandate, particularly in the context of election cycles. It outlines restricted actions such as political campaigning, endorsing candidates, and expressing political views on social media. The observed compliance rate is moderate. Some PPPK employees lack full awareness of the contents, or receive the circular too close to election periods. The circular is administrative in nature and does not carry the enforceability of formal legislation, which limits its deterrent effect. The third element is the 2022 Guidelines from the State Civil Apparatus Commission. These guidelines provide operational clarification through indicators of violations, behavioral examples, and recommended sanctions. The guidelines support supervisors and disciplinary committees at both central and regional levels. Enforcement is shared between the Commission and local disciplinary units. Compliance is partial. Inconsistent implementation across regions and limited institutional capacity are among the primary constraints. Several violations fall into ambiguous categories, which complicates enforcement and leads to discretionary interpretation.

Implementation of neutrality obligations cannot be evaluated solely from the perspective of formal regulation. The success of enforcement also depends on communication strategies and observed behavior during election periods. In Purbalingga, the local government uses both internal and public channels to disseminate neutrality messages. These include digital posters, group messaging applications, and staff assemblies. These efforts aim to improve awareness through accessible and direct communication methods. Survey findings indicate that only 58 percent of PPPK respondents recalled attending any formal session on neutrality. This reveals that a significant portion of employees may not have received consistent exposure to neutrality principles. Weak outreach contributes to the risk of unintentional violations, especially when boundaries between private opinion and professional responsibility are unclear.



Reports from the Election Supervisory Committee documented 12 minor violations by PPPK personnel during the 2020 and 2024 elections. Most cases involved subtle political expressions such as online interaction with partisan content or attending informal campaign events. Two cases proceeded to formal investigation. These data suggest a persistent gap between the existence of legal norms and actual compliance. Legal instruments have limited impact without consistent communication and institutional follow up. The local circular issued by the Civil Service Agency provides reinforcement, but its legal status restricts its influence on behavior. A more structured communication strategy is required. This includes expanding training programs, improving access to educational materials, and integrating ethics discussions into regular briefings. Stronger monitoring mechanisms are also needed, particularly for online activities. Anonymous and accessible reporting channels should be established to enhance accountability.

Based on previous analysis of policy implementation, the effectiveness of PPPK neutrality enforcement is shaped by structural, institutional, and socio-cultural factors. Legal norms alone do not ensure compliance. Referring to the theory of legal effectiveness proposed by Soerjono Soekanto,<sup>13</sup> enforcement depends on a combination of supportive and inhibiting elements. Supportive elements include the existence of clear national legislation, technical guidelines, proactive involvement of local institutions, and modest awareness among staff. These are counterbalanced by regulatory ambiguity, weak training infrastructure, overlapping mandates, and informal political pressures. Comparative analysis of these factors reveals a fragmented implementation landscape. Disparities in policy interpretation, administrative readiness, and enforcement mechanisms affect how PPPK employees understand and practice neutrality in everyday governance. Political neutrality must extend beyond formal compliance. It must become a professional ethic embedded within institutional culture. Effective enforcement requires coherent legal foundations, coordinated oversight, and a participatory legal environment.

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<sup>13</sup> Soerjono Soekanto, *Faktor-Faktor Yang Memengaruhi Penegakan Hukum* (Jakarta: Raja Grafindo Persada, 2007).

**Table 2.** Supporting Vs. Inhibiting Factors in PPPK Neutrality

Category	Supporting Factors	Inhibiting Factors
<b>Legal Structure</b>	Law No. 20/2023, KASN Guidelines	Lack of detailed regional technical instructions
<b>Organizational Role</b>	BKD reminders, monitoring	Panwaslu Underfunded training programs
<b>Individual Awareness</b>	Moderate exposure to policy materials	Low understanding of consequences
<b>Enforcement</b>	Sanction potential under KASN	Limited follow-up in violation cases

Source: Processed primary data

A significant constraint in enforcing political neutrality among PPPK employees is the limited level of legal literacy. By early 2024, only 35 percent of personnel had received formal training on neutrality obligations, indicating a considerable gap in awareness and understanding. Social connections between PPPK staff and local political candidates, including familial and community affiliations, introduce informal pressures and potential conflicts of interest. These relationships often exist outside the scope of institutional monitoring, which makes violations more difficult to identify and address.

The available reporting infrastructure is minimal. Only one accessible grievance channel exists, which reduces the likelihood of complaints being filed and diminishes the overall deterrent effect. Uncertainty regarding the definition and severity of applicable sanctions has also contributed to a lack of accountability. Enforcement remains weak in practice. Empirical data collected by the Election Supervisory Committee between 2020 and 2024 reveal notable patterns in violation trends. Most reported cases involved passive political behavior or symbolic expressions of support on digital platforms. The rate of follow up the results in formal sanctions is low. This discrepancy suggests limitations in investigative capacity or reluctance to impose disciplinary measures, despite the presence of legal provisions.

**Table. 3.** Actual Enforcement Actions

Year	Reported Violations	Investigated	Sanctioned	Dismissed	Type of Violation
2020	9	5	2	3	Passive campaigning, social media activity
2022	6	4	1	3	Attending partisan events
2024	8	6	3	2	Public endorsements, posting party logos

Source: Panwaslu Purbalingga (2020–2024)

The results demonstrate a low conversion rate from reported violations to formal sanctions, which may reflect either lenient legal interpretation or limitations in investigative capacity. Many PPPK employees explained their actions by citing a lack of understanding regarding neutrality obligations or by pointing to the indistinct boundaries between personal expression and professional ethics. Across three election cycles, a total of 23 violations involving PPPK personnel were documented, yet only 6 resulted in formal sanctions. This outcome raises concerns regarding the effectiveness of current investigative mechanisms and the system's capacity to deter misconduct. In several instances, employees invoked ignorance of the rules or highlighted the ambiguity between their rights as private citizens and their responsibilities as public servants.

Implementation challenges are further compounded by fragmented coordination between central and regional institutions. While the State Civil Apparatus Commission issues guidelines and supervisory recommendations, enforcement depends largely on regional agencies such as BKPSDM. These agencies frequently lack the administrative structure and technical capacity required for timely and consistent response. The absence of clear coordination mechanisms weakens both preventive interventions and the enforcement of sanctions.<sup>14</sup> Outside of formal enforcement structures, community engagement and civil society oversight have begun to emerge as informal contributors to neutrality promotion. During the 2024 regional elections, local figures including youth

<sup>14</sup> I Nyoman Gede Remaja, "Implementation of Legal Remedies in Resolving Disputes Between Government Employees with Employment Agreements (PPPK) with Local Governments," *Journal of Social Research* 2, no. 3 (February 28, 2023): 1011–19, <https://doi.org/10.55324/josr.v2i3.765>.

organizations and village leaders informally reminded PPPK personnel of their obligations. These efforts, however, were sporadic and lacked systematic follow up. A civil society watchdog released two public statements addressing neutrality violations, yet no coordinated response among official institutions was observed. Survey data indicated that only 25 percent of respondents perceived neutrality as a significant institutional priority.

**Table 4.** Observations during regional elections in Purbalingga

Focus Area	Implementation Quality	Key Gap	Legal Basis
Target-setting & Awareness	Moderate	Uneven dissemination of obligations	Art. 9 UU ASN 2023
Institutional Readiness	Low to Moderate	Fragmented inter-agency communication	KASN Circulars, Regional SOPs
Violation Enforcement	Low	Weak investigative follow-up	PP No. 42/2004, KASN Guidelines
Stakeholder Engagement	Low to Moderate	Lack of community synergy	Undang-Undang Pemilu

Source: Panwaslu Purbalingga (2020–2024)

Based on the table, the implementation of political neutrality for PPPK personnel in Purbalingga is shaped by the quality of execution across four primary dimensions: target setting and awareness, institutional readiness, enforcement of violations, and stakeholder engagement. The legal framework is formally established, yet gaps in implementation persist at both structural and operational levels. In the area of target setting and awareness, implementation is assessed as moderate. The legal basis is clearly articulated in Article 9 of Law Number 20 of 2023 on the State Civil Apparatus. Despite this, the dissemination of information remains inconsistent. Many PPPK employees have not received direct training or access to official outreach materials. As a result, understanding of neutrality obligations is often partial, increasing the risk of unintentional breaches of conduct.

Institutional readiness is evaluated as low to moderate. KASN circulars and regional standard operating procedures exist but are often not effectively applied due to weak coordination between national and regional institutions. Local agencies such as BKD and BKPSDM frequently lack the administrative capacity and technical resources required to operationalize national guidelines. The absence of integrated monitoring

systems and case handling procedures reduces the overall effectiveness of supervision. Violation enforcement demonstrates the lowest level of implementation. Although regulatory instruments such as Government Regulation Number 42 of 2004 on civil service ethics and KASN's technical guidelines are available, enforcement remains limited. Reports of violations often do not result in formal investigations or sanctions. Delays, inadequate personnel, and procedural ambiguity contribute to a weak accountability environment, diminishing the deterrent value of existing rules.

Stakeholder engagement also reflects low to moderate performance. The Election Law provides a legal basis for public participation in overseeing the neutrality of civil servants. In practice, engagement by community organizations and civil society in Purbalingga is irregular and largely informal. Village leaders and youth groups occasionally provide reminders about neutrality, but there is no consistent collaboration between government institutions and non governmental actors to promote neutrality in a structured way. The overall picture presented in the table suggests that while the normative framework for PPPK neutrality exists, significant challenges remain at the institutional and cultural levels. Enhancing implementation quality will require a multi dimensional strategy, including the development of detailed technical regulations, investment in institutional capacity, consistent enforcement of sanctions, and the creation of participatory oversight mechanisms that involve broader elements of civil society.

### **3.2. PPPK Political Neutrality in the Lens of Constitutional Principles, Democratic Values, and Legal Culture**

The principle of neutrality forms a foundational component of Indonesia's constitutional and democratic order. Article 1 paragraph 1 of the 1945 Constitution affirms that Indonesia is a state governed by law, which requires impartiality from its institutions and apparatus, including both permanent civil servants and government employees under employment agreements (PPPK). Article 9 paragraph 2 of Law Number 20 of 2023 on the State Civil Apparatus reiterates this mandate by requiring civil servants, including PPPK, to remain free from political influence and unaffiliated with political parties. Neutrality in this context is not merely a compliance requirement but an ethical

imperative that ensures the integrity of public administration and the legitimacy of electoral processes.

From a theoretical standpoint, neutrality is a core principle of democratic accountability and administrative ethics. Democratic theorists such as Schumpeter and Joseph Nye argue that democratic legitimacy is sustained not only by procedural fairness in elections but also by the impartiality of state institutions. The separation of powers necessitates that the executive branch, including the civil service, remain insulated from political manipulation. International legal frameworks support this view. Article 25 of the International Covenant on Civil and Political Rights permits the limitation of political rights for civil servants in order to preserve administrative neutrality. Comparative models such as the United Kingdom's Civil Service Code and the United States Hatch Act demonstrate this approach, enforcing clear restrictions on political engagement to maintain public confidence in state administration.<sup>15</sup>

Despite the normative clarity, neutrality is difficult to enforce for PPPK personnel due to their dual legal status. PPPK are contract employees with public responsibilities, which subjects them to both professional obligations and personal constitutional rights. Article 28E of the 1945 Constitution and Articles 19 and 22 of the ICCPR guarantee freedom of expression and association. These protections complicate the enforcement of neutrality, as any restriction must meet legal standards of necessity, proportionality, and clarity. Legal ambiguity produces practical challenges. PPPK employees in Purbalingga report confusion about what constitutes political activity, especially in digital spaces. Uncertainty persists regarding whether actions such as liking or sharing political content online are violations of neutrality. The absence of regulatory instruments tailored to PPPK employment, combined with the lack of systematic training on political ethics and an outdated interpretation of political behavior, contributes to inconsistent enforcement. This environment risks either suppressing legitimate expression or failing to prevent covert political engagement.

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<sup>15</sup> Gerry Mackie, *Schumpeter's Leadership Democracy* (Washington DC: Sage Publications, Inc., 2009), <https://www.jstor.org/stable/20452683>.

The doctrine of proportionality offers a viable framework for resolving this tension. Restrictions on individual rights must serve a legitimate goal, be necessary and appropriate, and must not exceed what is required to achieve that objective. In the PPPK context, neutrality obligations must be clearly defined, legally justified, and respectful of fundamental freedoms. This approach requires clarity in both substance and procedure to ensure fairness and effectiveness. Understanding this enforcement gap also requires a sociological perspective. Lawrence M. Friedman's<sup>16</sup> legal system theory identifies three interrelated dimensions of law: legal structure, legal substance, and legal culture. In Purbalingga, these three dimensions display systemic weaknesses. Structurally, enforcement bodies such as BKD, KASN, and Panwaslu lack coordination. From 2020 to 2024, 23 violations were reported, but only six resulted in formal sanctions. This gap reflects institutional inertia and overlapping jurisdiction. Substantively, neutrality is embedded in national law, but there is limited consensus on how it applies to PPPK employees. No formal rules clarify whether participation in political events as private individuals constitutes a breach, nor how neutrality applies in digital contexts. Without implementing guidelines that reflect the unique employment structure of PPPK, regulatory enforcement remains uneven.

The cultural dimension is equally underdeveloped. Few PPPK staff have received formal training on neutrality. In many cases, neutrality is perceived as a bureaucratic formality rather than a core professional value. Public perception of neutrality enforcement is weak. Survey data show that only 25 percent of respondents consider neutrality to be a serious priority in local governance. Civil society oversight is limited, and community involvement remains sporadic. Institutional fragmentation exacerbates these challenges. KASN provides guidance, BKD oversees personnel, Panwaslu handles election monitoring, and internal inspectorates manage discipline. These agencies function in isolation without a single coordinating authority. The lack of integrated mechanisms leads to delays, selective action, and legal uncertainty. PPPK employees are

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<sup>16</sup> Lawrence M. Friedman, *Sistem Hukum: Perspektif Ilmu Sosial* (Jakarta: Nusamedia, 2019).



not subject to regular performance assessments on ethical conduct, unlike permanent civil servants.

Improving enforcement requires a multi level strategy. Technical guidelines tailored to PPPK status are essential. These guidelines must define prohibited behavior, outline enforcement timelines, and specify procedural rights. Legal clarity is vital for ensuring consistency and fairness. Preventive legal education must be institutionalized. The current gap in training indicates the need for onboarding modules, regular ethics workshops, and accessible handbooks. Partnerships between regional governments and academic institutions can support this effort. An integrated task force at the regional level could improve enforcement. Representatives from BKD, Panwaslu, KASN, and civil society organizations should jointly manage complaints and monitoring. Fast response units and anonymous reporting channels would strengthen oversight and public trust. Sanction enforcement must also be improved. A tiered system of disciplinary action should be accompanied by a clear appeals process, ideally led by KASN. Anonymized summaries of disciplinary outcomes should be published to ensure transparency.

Regulatory harmonization is critical. A model regulation template issued by the Ministry of Home Affairs could provide legal uniformity across regions. Central institutions should periodically assess regional compliance with neutrality standards through reporting and audits. This would reduce selective enforcement and promote administrative consistency. Beyond structural and procedural reforms, the most important shift must occur at the level of legal culture. Satjipto Rahardjo's concept of law as a living institution reminds us that legal effectiveness depends on how law is interpreted, internalized, and practiced. In the case of PPPK neutrality, this means promoting neutrality not as a compliance requirement but as an ethical commitment. A culture of neutrality must be built through continuous engagement, civic education, and participatory oversight. Neutrality must be upheld not only through regulation but through institutional will and collective responsibility. Only then can neutrality evolve from a legal principle into a lived democratic value that strengthens public service in Indonesia.

## **CONCLUSION AND SUGGESTION**

The enforcement of political neutrality among contract-based government employees, known as PPPK, in Purbalingga reflects a clear normative mandate grounded in constitutional principles and administrative law. Although Law Number 20 of 2023 firmly establishes neutrality as a legal obligation, its implementation remains limited due to regulatory ambiguity, fragmented institutional coordination, and a weak internalization of ethical values. Most neutrality violations occur in subtle forms, particularly through digital platforms, and are often not followed by formal sanctions. The dual legal position of PPPK employees, who are bound by public obligations while also holding individual rights, complicates enforcement and raises important questions regarding proportionality and legal certainty. In practice, neutrality is still often viewed as a bureaucratic formality rather than a fundamental principle of democratic governance and professional public service.

Enhancing enforcement requires a comprehensive and coordinated strategy. The issuance of specific technical guidelines by the central government would help clarify prohibited political behaviors, including those expressed through digital media. Local administrations should embed preventive legal education within onboarding programs and deliver ongoing ethics training using accessible educational resources. A joint oversight task force, consisting of civil service authorities, electoral monitoring bodies, and representatives from civil society, can improve coordination in handling violations and complaints. Sanctions should be applied in a fair, transparent, and proportional manner, while anonymized outcomes may be published to increase institutional credibility. Alignment between national laws and regional regulations, supported by standardized legal instruments and consistent monitoring, will ensure more uniform and effective implementation across jurisdictions.

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