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The Role of Bawaslu Palangka Raya City in Maintaining the Neutrality of the State Civil Apparatus in 2024 General Election

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Abstract: General Elections (Pemilu) are a means of implementing the sovereignty of the people as stipulated in the 1945 Constitution of the Republic of Indonesia, which is carried out directly, publicly, freely, confidentially, honestly, and fairly. One of the main challenges in organizing elections is maintaining the neutrality of the State Civil Apparatus (ASN), which is legally prohibited from engaging in practical politics. The neutrality of ASN is a serious concern because their non-neutrality can affect the integrity of the election process and reduce public confidence in the results obtained. In the context of the 2024 Election, the role of the General Election Supervisory Agency (Bawaslu) of Palangka Raya City is very important in ensuring the neutrality of ASN. This study aims to analyze the role of the Election Supervisory Agency (Bawaslu) of Palangka Raya City in maintaining ASN neutrality during the 2024 Election and to examine the supervision strategy implemented to handle violations of ASN neutrality. Through systematic monitoring, strict law enforcement, and socialization of the importance of ASN neutrality, it is hoped that Bawaslu can ensure the holding of fair and democratic elections.

Keyword: State Civil Apparatus (ASN), Election, Bawaslu, Neutrality.

INTRODUCTION

Article 1 number 1 of Law Number 8 of 2012 concerning General Elections "General Elections, hereinafter referred to as Elections, are a means of implementing people's sovereignty which is carried out directly, publicly, freely, secretly, honestly and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia". General Elections or what we often know as Elections in the provisions of Article 1 number 1 of Law Number 7 of 2017 concerning General Elections is a means of popular sovereignty to elect members of the People's Council, members of the Regional Representative Council, President and Vice President, and to elect members of the Regional People's Representative Council, which is carried out directly, generally, freely, secretly, honestly, and fairly in the Unitary State of the Republic of Indonesia based on the Pancasila and the 1945

Constitution of the Republic of Indonesia (Sholahuddin et al., 2023). The General Election (Pemilu) in 2024 is an important event in Indonesia's democratic system, where the election of the President and Vice President, the House of Representatives of the Republic of Indonesia (DPR RI), the Regional Representative Council (DPD), the Provincial People's Representative Council, the Regency / City People's Representative Council is held. Elections are popular sovereignty that has a legal framework by involving various elements of society in the country concerned by opening the widest possible access to the fulfillment of community participation in order to form a government based on law. Therefore, because the government formed is based on the law, the elections held must really obey and comply with the provisions of the applicable laws and regulations (Sholahuddin et al., 2023).

Article 1 of Law Number 20 of 2023 concerning the State Civil Apparatus explains that the State Civil Apparatus, hereinafter abbreviated as ASN, is one of the elements in the government environment that is always discussed when elections will be held. ASN is a profession for civil servants and government employees with work agreements who work in government agencies. Civil Servants, hereinafter abbreviated as PNS, are Indonesian citizens who meet certain requirements, appointed as permanent ASN employees by the civil servant supervisory official to occupy government positions. Discussions about ASN wrapped in the realm of elections always refer to the topic of professionalism and neutrality of ASN in each election. ASN is the center of controlling all kinds of administrative activities in the government environment that are directly related to the community. Therefore, the position of ASN is a special attraction for election contestants to be able to gain their own benefits from the support of ASN (Furqon, 2020). The rights of an ASN are also guaranteed by the 1945 Constitution of the Republic of Indonesia as a constitutional right of citizens. The state constitution and its relation to citizens' rights can be seen in a dimension that explains that the constitution is the highest law in a country (Kelsen, 2019).

The implementation of the election itself is carried out by the General Election Commission (KPU) supervised by the Election Supervisory Body (Bawaslu) and Bawaslu. This is as stipulated in Article 22 E Paragraph (5) of the 1945 Constitution of the Republic of Indonesia that "Elections are organized by a national, permanent and independent KPU". From this, one of the institutions that play an important role in general elections is the Election Supervisory Board, which is located at the central and regional levels of the Province and Regency / City. The Election Supervisory Agency is an institution tasked with overseeing elections throughout Indonesia. Bawaslu's main task is to ensure that elections are fair and democratic. In addition, Bawaslu is also authorized to receive complaints, investigate violations, and impose sanctions on parties who violate election rules. Bawaslu's position as an institution whose position is regulated in the Law carries out its duties as a unity of the functions of organizing elections to achieve democratic elections in accordance with the principles of direct, general, free, secret and honest and fair (Nadhifah, 2020). Bawaslu was deliberately formed to oversee the stages of organizing elections, receive complaints, handle cases of administrative violations of elections and criminal violations of elections based on Article 92 of Law Number 7 of 2017 concerning General Elections. Bawaslu has a role that is no less important than KPU in organizing elections, where Bawaslu has the duty and function to act as an election supervisor, as well as a judge or executor of problem solving in elections.

The success of an election is highly dependent on its fair and transparent implementation, and the neutrality of the State Civil Apparatus (ASN) is very important. ASN is expected not to be involved in practical politics so that elections are carried out fairly and equitably. Non-neutrality of ASN is a serious problem in the elections because it can threaten the integrity of the election process and reduce public confidence in the results obtained. The General Election Supervisory Agency (Bawaslu) has the main task of overseeing Pilkada activities, including maintaining the independence of ASN. The Election Supervisory Body of Palangka Raya City

faces a tough challenge to maintain ASN-free status amidst an increasingly political environment. Systematic monitoring is needed to avoid violations of the regime that could undermine the integrity of the elections. Bawaslu should implement various strategies to prevent ASN from engaging in politics that could illegitimately influence election results.

Facing these challenges, Bawaslu Palangka Raya City should implement a systematic and sustainable monitoring method. This includes actively monitoring ASN activities, enforcing the law against violators, and implementing socialization programs to raise awareness of the importance of being neutral. Good coordination between Bawaslu and related agencies is also important to ensure unity in maintaining the principle of ASN free living. To address the various non-compliance issues that may arise in the regional elections, it is important to periodically review and adjust the monitoring strategy.

An effective surveillance strategy should incorporate technology, train supervisors, and enforce penalties for violations. These efforts are expected to create an atmosphere of fair and transparent elections where ASNs are not involved in real politics that can affect election results. Thus, Bawaslu Palangka Raya City is expected to play an important role in maintaining election integrity and ensuring that the election process is carried out in accordance with the necessary democratic principles.

Based on the background of the above issues then the formula of the problem in this study is: How is the role of Bawaslu Palangka Raya City in maintaining the neutrality of ASN in the 2024 General Election, and How are the obstacles faced by Bawaslu Palangka Raya City in supervising violations of ASN neutrality in the 2024 General Election.

METHOD

In an effort to describe Bawaslu's role in supervising simultaneous elections, this research was conducted with a type of Empirical Juridical research where researchers explore and explore information as deeply as possible so as to strengthen the research results obtained. Descriptive research is research intended to investigate circumstances, conditions or other things that have been mentioned, the results of which are presented in the form of a research report. Describing the phenomenon of Bawaslu's role in election supervision, the author uses the type of empirical juridical research with interview data collection techniques.

Interviews are used as a data collection technique if the researcher will carry out a preliminary study to find problems that must be researched, interviews are conducted in depth with informants who are the key to obtaining information that is considered to answer the research objectives. Furthermore, observation is a data collection method used to collect research data through observation and sensing. The research aims to find out Bawaslu's role in monitoring simultaneous elections by looking at Bawaslu's duties and functions in accordance with the stipulated rules.

RESULTS AND DISCUSSION

ASN's Obligation to Maintain Neutrality

Article 2 letter f of Law Number 20 of 2023 concerning the State Civil Apparatus clearly states that the implementation of ASN policy and management is based on the principle of neutrality. ASN is obliged to maintain its neutrality in a way that has been regulated in Article 9 Paragraph (2) of Law Number 20 of 2023 Concerning the State Civil Apparatus that "ASN employees must be free from the violation of the principles of neutrality influence and intervention of all groups and political parties". Given that the State Civil Apparatus works in the government environment, both at the central and regional levels. ASN has the duties and responsibilities to carry out various government administration activities, provide public services to the community, and support the implementation of government policies (Hartini & Sudrajat, 2019). They can work in various government agencies such as ministries, institutions, agencies,

as well as in other work units at the regional level such as districts/cities or villages. ASN must maintain neutrality and independence in carrying out its duties, especially in the context of elections and politics. This is important to ensure that the public services they provide are not influenced by political interests or certain groups, so that they can provide equitable and fair services to the entire community. In addition, ASN is also subject to the rules of law, regulations, and codes of ethics that govern their behavior and obligations as state servants. Violations of the code of ethics or applicable norms can result in administrative or other disciplinary sanctions as an effort to maintain the professionalism and integrity of ASN in carrying out its duties. Therefore, ASN has a very important role in maintaining the stability and sustainability of government, as well as supporting the realization of quality public services for all Indonesian people. ASN has an important role in maintaining the stability and progress of the nation. One of the fundamental obligations that must be upheld by ASN is neutrality (Ningtyas, 2023).

Supervision of ASN Neutrality by Bawaslu

Supervision of the neutrality of ASN in maintaining the integrity of the 2024 Election in Palangka Raya City is very important. This is because supervision of the neutrality of the State Civil Apparatus (ASN) in organizing the 2024 Election in Palangka Raya City is crucial. This is in line with the mandate of Law Number 20 of 2023 concerning the State Civil Apparatus which explicitly regulates the neutrality of ASN. Thus, if there are ASNs, members of the TNI, or Polri who are proven to violate neutrality, for example by conducting open campaigns, inviting the public to vote for certain candidates, or engaging in other practical political activities, then the Palangka Raya City Election Supervisory Agency (Bawaslu) will take firm action in accordance with the provisions of the law applicable. Violations of neutrality are not only detrimental to the integrity of elections, but can also undermine public trust in clean and professional governance.

One of the most common indicators showing violations of ASN neutrality in Palangka Raya City is activity on social media. ASNs who are not neutral are often seen giving open support to certain candidates through various means, such as liking campaign posts, sharing campaign content, or even organizing activities to support their chosen candidates. The use of social media as a tool to violate neutrality is increasingly worrying due to its wide reach and speed of information dissemination. If Bawaslu receives a report regarding a violation of ASN neutrality on social media and after an investigation it is proven to be true, the report will be forwarded to the Civil Service and Human Resources Development Agency (BKPSDM) to be followed up in accordance with civil service provisions.

Enforcement is a series of processes for handling violations and handling disputes with established SOPs. The effect of prosecution itself is to minimize so that similar violations do not occur again. The form of action taken by Bawaslu Palangka Raya City includes carrying out a violation handling mechanism. Article 102 paragraph (2) of Law Number 7/2017 concerning General Elections has mandated the task of the Regency / City Bawaslu to take action against election violations (Saputra, 2020). Bawaslu of Palangka Raya City has designed various supervision strategies to ensure the neutrality of ASN during the 2024 Election. First, Bawaslu conducts inherent supervision during the campaign stage. This supervision is carried out to monitor ASN activities and prevent violations of neutrality. In addition, Bawaslu actively provides socialization and appeals to local governments, especially the Palangka Raya City Government, to always remind ASNs in their work environment about the importance of maintaining neutrality. Second, Bawaslu formed a neutrality monitoring working group involving various parties, including BKPSDM, TNI, and Polri. This working group has the task of coordinating supervision efforts and taking the necessary actions if violations are found. Third, Bawaslu also formed a negative issue supervision working group

tasked with monitoring activities on social media, both those managed by the Bawaslu by political parties as well as by individuals. This supervision is carried out by analyzing content circulating on various social media platforms, including political groups. Through these various efforts, Bawaslu seeks to ensure that the 2024 elections in Palangka Raya City take place democratically, honestly and fairly.

Violation of ASN Neutrality in the 2024 Election in Palangka Raya City

General elections held every five years, especially regional head elections (pilkada), are often colored by the issue of neutrality of the state civil apparatus (ASN). Compared to legislative or presidential elections, regional elections tend to be more vulnerable to neutrality violations. This is because regional elections have a direct relationship with regional interests and involve more intensive community participation.

Factors affecting fluctuations in violations of ASN neutrality in regional elections are very complex. In addition to structural factors such as the political and regulatory systems, individual factors such as ASN's political affiliation, social pressure, and personal interests also play an important role. In some cases, there is a tendency for ASN to provide support to certain candidates, either directly or indirectly. This can occur due to kinship or common interests between the ASN and the candidate (Sirait et al., 2022).

To maintain the neutrality of ASN, TNI, and Polri, the Election Supervisory Agency (Bawaslu) of Palangka Raya City has made various preventive efforts. One of the efforts made is by sending an appeal letter to the City Government through the Inspectorate or the Civil Service and Human Resources Development Agency (BKPSDM). This appeal letter aims to remind ASN about the importance of maintaining neutrality and the legal consequences of violating it. In addition, Bawaslu also conducts socialization and education to ASN regarding rules related to neutrality. Nevertheless, the challenges in maintaining ASN neutrality remain complex, especially in areas with a high level of political participation.

It cannot be denied that the development of information technology, especially social media, has changed the political landscape and further complicated efforts to maintain ASN neutrality. Social media platforms such as Facebook and Instagram have become an effective means for ASN to express support for certain candidates. In addition, social media is also used to disseminate information that is hoax or hate speech that can influence the ASN's neutrality public opinion. To overcome this challenge, Palangka Raya City Bawaslu actively monitors ASN social media activities. In addition, Bawaslu also works with various parties, including civil society, to improve digital literacy and encourage responsible use of social media.

Law Enforcement Process Against Violations of ASN Neutrality

Based on the results of interviews with Mr. Yansen, S.Pd., Coordinator of the Violation Handling and Dispute Resolution Division at Bawaslu Palangka Raya City, the law enforcement process against violations of the neutrality of the State Civil Apparatus (ASN) in this area has a fairly clear mechanism. The initial stage in handling this violation is through reporting. Reports can come from various sources, both from Bawaslu who found indications of violations directly, as well as from the public who feel there are irregularities in ASN behavior related to the political process.

Each incoming report will go through a strict verification and validation process by Bawaslu. Bawaslu's investigation team will check the validity of the report, identify the parties involved, and collect additional evidence. Evidence that can be used in this process is very diverse, ranging from video recordings, photos, to witness testimony. After the evidence is collected, Bawaslu will clarify by inviting related parties, such as the reporter, reported party, and witnesses. The purpose of this clarification stage is to obtain more complete and in-depth information regarding the alleged violations that occurred.

If after clarification, Bawaslu finds sufficient evidence to state that there has been a violation of ASN neutrality, a recommendation for sanctions will be issued. This sanction recommendation will then be forwarded to the State Personnel Agency (BKN) as the institution authorized to impose administrative sanctions on ASN. The types of sanctions given can vary, ranging from written warnings, demotion, to dismissal as ASN. The selection of the type of sanction will be adjusted to the severity of the violation committed.

Law enforcement against violations of ASN neutrality in Palangka Raya City refers to a number of legal regulations, such as Law Number 20 of 2023 concerning the State Civil Apparatus and Bawaslu Regulation Number 7 of 2022 concerning Findings and Reports of General Election Violations. Although However, there are still some challenges in its implementation. One of the main challenges is the low awareness of ASN regarding the importance of neutrality in governance. In addition, political pressure and limited resources owned by Bawaslu can also hinder the law enforcement process.

In legal logic, when the norm has been formed, the next effort is to function the norm through enforcement. On that basis, the concept of ASN neutrality is to provide restrictions and certainty on the role of ASN in government. The implication of restrictions is law enforcement oriented towards legal certainty for all ASNs to carry out their duties professionally (Sudrajat & Hartini, 2018).

Obstacles Faced by Bawaslu of Palangka Raya City in Supervising Violations of ASN Neutrality in the 2024 General Election

Based on the results of an interview with Mr. Yansen, S.Pd., Coordinator of the Violation Handling and Dispute Resolution Division at Bawaslu Palangka Raya City, it was revealed that the implementation of supervision of the neutrality of the State Civil Apparatus (ASN) in the 2024 Election is faced with a number of significant challenges. One of the main obstacles faced by Bawaslu is limited human resources. With a broad scope of tasks, ranging from supervising the implementation of elections by the KPU to monitoring the neutrality of ASN, the Police, and other election participants, Bawaslu is required to work extra hard with a limited number of personnel. This limitation results in uneven distribution of tasks and difficulties in achieving optimal supervision coverage, especially in areas with large areas and large populations.

Limited personnel do not have a direct impact on the effectiveness of supervision in the field. However, during the campaign period, Bawaslu sometimes has difficulty monitoring all campaign points simultaneously. As a result, potential violations of ASN neutrality in some locations may go unnoticed. Coordination between institutions is another significant challenge. Although there have been coordination forums such as Forkopimda, coordination between Bawaslu and the local government is not as effective as it should be related parties such as the police, prosecutors and local government still need to be improved.

Monitoring social media is also a challenge for Bawaslu. Along with technological developments, social media has become the main platform for disseminating information and political campaigns. However, monitoring activities on social media requires considerable resources and specialized expertise. Bawaslu needs to have a special team trained in social media analysis to be able to quickly and accurately detect content that has the potential to violate neutrality rules.

Political pressure is also one of the factors that can hinder Bawaslu's performance. Intervention from certain parties can influence Bawaslu's decisions and actions in conducting supervision. To maintain independence and credibility, Bawaslu needs to have a strong protection mechanism and be supported by civil society.

Bawaslu's Efforts in Overcoming Obstacles

To overcome the limited personnel which is a major obstacle in election supervision, Bawaslu Palangka Raya City has implemented a number of strategic steps in order to strengthen its institutional capacity. One of the efforts made is the proposal for additional Civil Servant Candidate (CPNS) formations to the relevant agencies. With the addition of this formation, it is hoped that the need for competent and professional supervisory personnel can be met. In addition, Bawaslu also opens opportunities for the public to join as Government Employees with Work Agreements (PPPK). This PPPK acceptance allows Bawaslu to obtain a flexible workforce and can be adjusted to dynamic needs.

To improve the quality of personnel, Bawaslu Palangka Raya is also committed to improving the competence of existing personnel through various trainings and capacity building. The trainings organized cover various fields, ranging from general election supervision to specific skills such as data analysis and social media monitoring. Thus, it is expected that the quality of performance of Bawaslu personnel can continue to be improved so that they are able to carry out supervisory duties more effectively.

Bawaslu Palangka Raya also involves the community in the election monitoring process, which is one of the keys to success in maintaining election integrity. Bawaslu of Palangka Raya City has made various efforts to encourage community participation, including through the establishment of a participatory supervisory network. This network involves various elements of society, such as civil society organizations, religious leaders, and community leaders. With this network, it is hoped that election supervision can be carried out more thoroughly and involve all levels of society.

In addition, Bawaslu also routinely conducts socialization and education to the public about the importance of election supervision. This socialization is carried out through various media, such as social media, mass media, and face-to-face activities. Through socialization, the public is expected to understand the importance of their role in maintaining democracy and know how to report alleged violations. As an effort to facilitate the public in reporting alleged violations, Bawaslu also provides a supervision corner equipped with information that is easily accessible to the public.

In the digital era, the use of information technology is very important to improve work efficiency and effectiveness. Bawaslu Palangka Raya City has utilized information technology in various aspects of election supervision. One example is the development of an online reporting system. With this system, the public can easily report alleged violations through digital devices. In addition, this system is also equipped with a report status tracking feature so that the public can monitor the progress of handling their reports.

In addition to the online reporting system, Bawaslu also conducts regular data analysis to identify potential vulnerabilities and trends in violations. This data analysis is carried out by utilizing various software and data sources available. The results of this data analysis are then used as a basis for developing a more effective supervision strategy. In addition, Bawaslu also conducts social media monitoring to detect indications of violations. With social media monitoring, Bawaslu can identify issues that are developing in the community and take the necessary actions.

CONCLUSION

Based on the description above, it can be concluded that the Election Supervisory Agency (Bawaslu) of Palangka Raya City plays a very important role in maintaining the neutrality of the State Civil Apparatus (ASN) in the 2024 General Election. The role of the Election Supervisory Body of Palangka Raya City in taking action against violations of ASN neutrality in the 2024 General Election.

ASN neutrality is in line with what has been regulated in Article 102 Paragraph (2) of Law Number 7/2017 on General Elections. As an institution mandated to oversee the elections, Bawaslu has shown a strong commitment in ensuring the implementation of clean and fair elections. Various supervision efforts have been carried out, ranging from direct supervision in the field during the campaign period to monitoring ASN's social media activities. The formation of working groups involving various related parties, such as BKPSDM, TNI, and Polri, is also a strategic step to increase the effectiveness of supervision.

However, in carrying out its duties, Bawaslu faces a number of complex challenges. Limited human resources are a major obstacle, especially in terms of the number of personnel and technical capabilities. This has an impact on the limited scope of supervision, especially in large and hard-to-reach areas. Violation of ASN neutrality, especially through social media, is one of the serious problems faced by Bawaslu. ASNs involved in practical political activities, such as providing open support for certain candidates or disseminating campaign information, can undermine public confidence in the integrity of elections. This not only violates personnel regulations, but also has the potential to trigger social polarization and conflict.

Nevertheless, Bawaslu has worked hard to overcome these challenges. One of the efforts made is to strengthen institutional quality through continuous training. In addition, Bawaslu also involved the community in participatory supervision to expand the reach of supervision. The utilization of information technology, such as online reporting systems and data analysis, has also been carried out to improve efficiency and effectiveness.

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