

only minor administrative penalties that fail to deter future misconduct. Consequently, Indonesia must strengthen institutional oversight, improve coordination among supervisory bodies, impose proportionate sanctions, and establish clearer regulations governing digital political activities to ensure effective implementation of civil service neutrality and protect the integrity of democratic elections.⁵⁸

Another significant weakness of the existing regulatory framework concerns the absence of explicit legal provisions governing the use of social media by civil servants during electoral processes. The rapid expansion of digital communication has transformed social media into a major platform for political engagement, yet the current legal framework has not adapted sufficiently to address this development. In practice, many civil servants publicly express political preferences by posting, commenting on, sharing, or endorsing political content through digital platforms. Such activities may influence public opinion and demonstrate political affiliation while remaining outside the scope of clearly defined legal prohibitions. Neither Law Number 20 of 2023 concerning the State Civil Apparatus nor Government Regulation Number 94 of 2021 concerning Civil Servant Discipline establishes comprehensive standards governing the permissible use of social media in relation to political activities. The absence of clear regulatory boundaries creates legal uncertainty, enables indirect political participation, and weakens the enforcement of civil service neutrality within the digital environment.⁵⁹

The implementation of Law Number 20 of 2023 and Government Regulation Number 94 of 2021 continues to face several structural weaknesses that reduce the effectiveness of the legal framework. The first weakness concerns the absence of an effective supervisory mechanism. Although the legislation requires civil servants to maintain political neutrality, it provides limited guidance regarding institutional supervision, compliance monitoring, and preventive enforcement. Consequently, neutrality violations frequently occur through informal political meetings, online political endorsements, or the misuse of official authority to benefit particular electoral candidates. These practices often remain undetected because supervisory institutions rely primarily on complaints submitted by the public or mass media instead of conducting systematic and proactive monitoring. Political intervention by senior officials further reduces the effectiveness of

⁵⁸ Najwa Khairina, Rus'an Nasrudin, and Bambang P S Brodjonegoro, "Communication Technology Advancement and Political Outcomes in the Developing World: Evidence from 4G Proliferation in Indonesia," *Telecommunications Policy* 50, no. 3 (2026): 103146, <https://doi.org/10.1016/j.telpol.2025.103146>.

⁵⁹ Christa Brunnschweiler et al., "When Petroleum Revenue Transparency Policy Meets Citizen Engagement Reality: Survey Evidence from Indonesia," *Ecological Economics* 230 (2025): 108529, <https://doi.org/10.1016/j.ecolecon.2025.108529>.

outcomes in favor of or against particular candidates. These restrictions preserve the impartiality of public administration and ensure that regional elections operate according to the principles of fairness, equality, and democratic accountability.⁶⁷

Government Regulation Number 94 of 2021 concerning Civil Servant Discipline complements these statutory provisions by establishing disciplinary sanctions for neutrality violations. The regulation prohibits civil servants from expressing political support for electoral candidates and authorizes a graduated system of disciplinary measures ranging from written warnings and reductions in employment benefits to suspension, demotion, and dismissal. The proportional application of disciplinary sanctions seeks to strengthen accountability while deterring future violations of civil service neutrality. To improve institutional enforcement, the Government introduced the Joint Decree concerning Guidelines for the Development and Supervision of Civil Service Neutrality during Elections. The Joint Decree established procedures for reporting, investigating, and sanctioning neutrality violations while assigning supervisory responsibilities to the Civil Service Commission. Following the enactment of Law Number 20 of 2023, however, the dissolution of the Civil Service Commission transferred these supervisory responsibilities to the Civil Service Neutrality Task Force under the National Civil Service Agency. This institutional restructuring has generated significant concern regarding the future effectiveness of independent oversight because the previous supervisory mechanism operated through an autonomous institution dedicated to protecting merit principles and preventing political intervention.⁶⁸

The abolition of the Civil Service Commission has consequently created uncertainty regarding the independence and effectiveness of neutrality supervision. The absence of an independent oversight institution raises concerns about weaker accountability, increased political influence over disciplinary processes, and reduced public confidence in the enforcement of neutrality obligations. Unless the supervisory framework receives stronger institutional safeguards, greater operational independence, and more effective enforcement mechanisms, the legal framework may prove insufficient to prevent future neutrality violations and protect the integrity of democratic elections. A comparative analysis of the sanctions established under the relevant legislative instruments provides a clearer understanding of the similarities, differences, and

⁶⁷ Rumayya et al., "The Local Economy and Re-Election of Incumbent District Leaders in Indonesia," *Heliyon* 6, no. 5 (2020): e04098, <https://doi.org/10.1016/j.heliyon.2020.e04098>.

⁶⁸ Ferinandus L Snanfi et al., "The Cost of Legislative Campaign Expenditures on Achieving 30% Women's Representation in DPRD: Regency, City, and Province of Yogyakarta, Indonesia (2014–2024)," *Social Sciences & Humanities Open* 13 (2026): 102819, <https://doi.org/10.1016/j.ssaho.2026.102819>.

regulations issued by the General Election Supervisory Agency, regulations of the National Civil Service Agency, and the Joint Decree concerning Civil Service Neutrality. Although these legal instruments collectively regulate the obligations, prohibitions, and sanctions relating to civil service neutrality, they have not established a coherent and integrated regulatory system. The fragmentation of these legal provisions has created both vertical and horizontal regulatory disharmony that weakens institutional coordination, reduces legal certainty, and limits the effectiveness of supervision and enforcement against neutrality violations during electoral processes.⁷⁵

Vertical regulatory disharmony arises because the primary legislation fails to provide an adequate normative foundation for implementing regulations. Law Number 20 of 2023 recognizes neutrality as one of the fundamental principles governing the civil service and requires public officials to remain free from political influence and intervention. However, the statute formulates this obligation only as a general legal principle without providing operational definitions of neutrality violations, clear limitations on political activities conducted through digital platforms, independent supervisory mechanisms, or detailed criteria for imposing proportionate sanctions. The absence of comprehensive statutory regulation has compelled subordinate regulations issued by the General Election Supervisory Agency and the National Civil Service Agency to establish substantive rules governing prohibited conduct, supervisory procedures, and disciplinary sanctions. From the perspective of legislative hierarchy, this regulatory structure creates normative imbalance because essential legal standards derive primarily from subordinate regulations rather than from the enabling statute itself, thereby weakening legal certainty and legislative coherence.⁷⁶

Vertical inconsistency also appears in the relationship between Law Number 20 of 2023 and Law Number 7 of 2017 concerning General Elections. Election legislation expressly prohibits the involvement of civil servants in campaign activities, yet these prohibitions remain largely confined to the electoral legal regime and do not integrate systematically with the disciplinary framework governing civil service management. Consequently, when neutrality violations occur during elections, enforcement frequently depends upon temporary institutional coordination among supervisory agencies rather than upon a unified legal mechanism that ensures consistent interpretation, uniform disciplinary standards, and predictable legal consequences. This fragmented approach creates

⁷⁵ Eny Kusdarini et al., "Roles of Justice Courts: Settlement of General Election Administrative Disputes in Indonesia," *Heliyon* 8, no. 12 (2022): e11932, <https://doi.org/10.1016/j.heliyon.2022.e11932>.

⁷⁶ Ridwan Effendi et al., "A Decade of Financial Literacy Research in Indonesia: A Bibliometric Review (2014-2024)," *Social Sciences & Humanities Open* 14 (2026): 103149, <https://doi.org/10.1016/j.ssaho.2026.103149>.

