

THE DISTORTION OF GOVERNMENT BUREAUCRACY AND REGIONAL SELECTION

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The problem of bureaucratic specialization in the implementation of regional elections as a form of the success of the government bureaucracy is often a problem. The process of implementing regional elections in several regions involving bureaucrats is still not maximal, so that many elected regional heads have not been able to carry out their duties to serve the community properly. On the other hand, bureaucrats must be neutral and supported by qualifications, scientific competence, and fair and reasonable performance without prioritizing political interests, so that their duties can be carried out rationally. The writing of this article was based on juridical aspects, namely Law Number 32 of 2004 concerning Regional Government and Regulation of the Minister of Home Affairs Number 9 of 2005 concerning Guidelines for Regional Government in the Implementation of Regional Head and Deputy Regional Head Elections. This writing intended to describe and analyze the neutrality attitude of government bureaucratic officials to the practice of Regional election power in Jember Regency. The writing method used a normative juridical approach with primary and secondary observation data collection techniques and document analysis. The conclusions of this study were: First, the neutrality of the government apparatus has not yet been carried out. Second, the problem of pressure from the writerities is still common. Third, there is no protection or no clear rules of the game from the involvement of the government bureaucracy in the regional election.

Keywords: *Bureaucracy, Regional Election, Power, Independence*

INTRODUCTION

If we look in detail and analyze more deeply, the bureaucracy in Indonesia from the Dutch colonial era to the present is closely related to the instruments of the political interests of those who hold power. After previously only being used to ensure the process of trade, starting in the early 20th century the Dutch East Indies colonial government was formed to the village level (Li, 2012). The interests of the bureaucracy only apply to institutions that are broad-scale and comprehensive, namely government organizations. The broad and comprehensive scale is driven by the attitude of government bureaucrats who are structurally and functionally organized legally and formally and apply to create just steps to the public, but not through the regional election route, which is a requirement of intriguing interests. Bureaucracy is used for disciplining to the micro level with the aim of obtaining as many relationships as possible with the community on the basis of individual or group interests.

In the early days of Indonesian independence, the bureaucrats who were previously the collaborators of the colonial government, in several areas were replaced forcibly (Anton Lucas, 2004) describing the event as a "social revolution", in which the old bureaucrats were replaced with new ones. The old bureaucratic elite who became agents of colonial rule like this were considered to have characters, behavior, culture and values that were incompatible with the ideals of national independence. Like several examples of bureaucratic incidents carried out by the Regent of Jember, which were forcibly and unilaterally lifting and paying attention to several bureaucratic officials in his environment. The appointment of a number of bureaucratic officials violated statutory provisions so the Minister of Home Affairs recommended revoking 15 Regent decisions regarding appointments in office, which did not comply with the basic rules set by the government, namely those related to Position, Organizational Structure, Duties and Functions, and Work Procedures (KSOTK). Among them is the replacement of the Head of the Population Administration Information Management Division of Jember Regency <https://beritajatim.com/politikpemerintah/mendagri-disclosed-fakta-pelanggaran-mutation-birokrasi-di-pemkab-jember/> (accessed on 18 March 2020 at 19.23 WIB).

The example above is one of the many practices of abusing power politically in Indonesia and is a strategy to fight for a separate power that has an influence in the government. The rulers in the highest regional order are very enthusiastic about mobilizing the government apparatus in their territory by forming certain political groups that have been arranged in such a way as to control various elements of the government bureaucracy in their regions. This mobilization practice causes the government apparatus within the government bureaucracy to indirectly lose their value of trust and do not run according to the corridors of the applicable law. Moreover, the apparatus assigned to one of the government agencies is not in accordance with the previous empirical experience, which in the end cannot provide the best service to the

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community. As for what really stands out from this exercise of power is the need to strengthen the obligation to respond more to the officials above them, for example the Head of the Service to the Regent/Mayor, the Head of the Sub-District to the Regent/Mayor and so on. The responsibility between superiors and subordinates involving bureaucrats like this is a follow-up to a number of agreements on their personal political interests which in turn gave birth to several recommendations or decisions of elected regional heads as a form of reward for their sacrifices and struggles in winning regional Regional election political battles. Thus, there is an absolute obligation that must be carried out by bureaucratic officials to the ruling officials to submit and be responsible for all government affairs carried out, including in the political election process.

Previously, in the New Order government, the bureaucracy was often the tool of the highest writerity in power. The bureaucracy in Indonesia at the time of the New Order regime was referred to as a “bureaucratic authoritarian regime,” marked by apathy and group acceptance to mobilize to support the regime. Almost all of the bureaucrats belong to the Golongan Karya Party (Golkar), a political party that supports the rulers. Finally, when the election was held, all of them along with their families and colleagues were mobilized to vote for the Golkar Party. As a result, under such conditions it is not surprising that during the 32 years in power and for six elections, Golkar has always dominated the number of votes. The appearance of the bureaucracy in this period was largely followed by the practice of bureaucratic government and the form of domination by the head of the government in power.

Furthermore, during the reform era, the pressure from the people to separate the bureaucracy from political will emerged so strong and sustainable. The neutrality and accountability of the government bureaucracy was raised to be another alternative solution to the previous bureaucratic system, which was entangled in political interests that were considered to be less than optimal in carrying out its obligations as servants of the people. Service innovations to the community are continuously updated and enhanced by the bureaucracy and government agencies, to provide the best service and are integrated with several elements of government services with the aim of creating a positive image to the general public. This is aimed at accelerating the realization of public welfare through the decentralization system that has been ordered by the constitution, namely Law Number 32 of 2004 concerning Regional Government. However, unfortunately the decentralization system that was provided has actually become a political instrument and is used as a tool to carry out KKN (Corruption, Collusion, Nepotism) practices by government bureaucrats and political elites in the regions through the regional election route.

The direct election process should be able to provide and produce superior leaders in all fields and be adaptive in every situation and condition of government

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development. But in reality, this society's hope is very difficult to fulfill because the recruitment system of bureaucrats or government bureaucratic officials is still transactional and dependent on ruling officials, and what the writer feel is that the government bureaucracy through the current regional election is not much different from the new order government which is apparently the same as it is centralized to the ruling official. Currently, the difference only lies in how influential power politics is. If we describe the current government bureaucracy is only centered in the regions, whereas in the New Order government the government bureaucracy was more centralized, starting from the central government to regional governments.

On this basis, the neutrality of the bureaucracy through the regional elections should be used as the right momentum for bureaucrats to be able to deliver the best people in the regions to the top of regional leaders without practical political practices. If this can be done, then the face of the government bureaucracy in the regions and throughout Indonesia will get additional positive values in society. This can erase the bad image of the government bureaucracy which has been regarded as a tool or an extension of the candidates for writerity / regional head to seize power for their own interests, including by legalizing the power of bureaucratic officials as a practice of the election process. If this is done successfully, then our decentralized system will not exist.

In line with the above thought scheme, there have been several attempts from the state to shape the character, attitudes and behavior, social values and culture of the bureaucracy that serve the public at large by using an institutional approach. This approach directs the bureaucracy to achieve neutrality and does not enter and become entangled in the practical political interests of the political elites. The resulting approach is a number of regulations related to the formation of bureaucratic neutrality in the political process in the regions, including: 1. Law Number 5 of 2014 concerning State Civil Servants (ASN) to be precise in point 2 letter f, which states that government officials in government institutions and bureaucracy, for their role as public officials, they should not take sides and have a one-sided character from any political interest in the region. The conclusion of this law clearly states that ASN is prohibited from practicing politics in supporting a candidate in the Regional election arena. 2. Law Number 10 Year 2016, one of which states that candidates who compete during the Regional election process are strictly prohibited from involving and mobilizing even to recruit government officials, be it ASN, TNI/Polri (National Armed Forced/ National Police of the Republic of Indonesia), including Village Heads and Village Officials in the area. Whereas in Article 71 paragraph 2, this law defines the meaning of the Head of a Region, starting from the Governor or Deputy Governor, the Regent or Deputy Regent, the Mayor or the Deputy Mayor to be strictly prohibited from carrying out the inauguration, replacement, rotation and mutation of the position of the government

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bureaucracy for 6 (six) month prior to the date of the determination of the pair of candidates for regional head up to the end of their term of office, unless the implementation of the official transfer and rotation has been recommended in writing by the relevant Minister, namely the Minister of Home Affairs. The goal is so that the incumbent candidate does not use his position to create or form a special team so that it can become the campaign engine or winning team concerned.

But unfortunately, the efforts of the state to narrow the space for the movement of elected regional heads in the implementation of Regional election, in practice and in reality are difficult to do. Regional heads have the autonomous right to manage their own domestic affairs in the regions in various fields, provided that they can prosper the people on an ongoing basis and there is no deviation from existing regulations. Including the governance of the government bureaucracy. The policy of managing the bureaucracy is the full right of the regional head in order to realize the best service to the community and clear regulatory rules through a study of Position, Organizational Structure, Duties and Functions, and Work Procedures (KSOTK) which are in line or linear and in accordance with the above regulations, namely law and government regulations. But this was not done by the Regent of Jember, the bureaucratic system that was built actually damaged the government bureaucracy since the regional election was over, which in the end had an impact on the previous discussion, namely a recommendation from the Minister of Home Affairs knowing the Governor of East Java to revoke the Jember Regent's decision which was not based on the laws there

<https://radarjember.jawapos.com/beritadaerah/jember/10/01/2020/tatanan-birokrasi-menabrak-peraturan/> (accessed on March 20, 2020 at 12.59 WIB)

In addition, if it is seen from the mutations carried out by placing several government apparatus personnel or ASN within the government bureaucracy run by the Jember Regent, it is worth tracing, on what basis the Jember Regent after the Regional election has appointed them to certain bureaucratic positions. It is fine for regional heads to dismiss and promote the State Civil Apparatus to serve in the government, but if the attitude of changing positions by means of transfer and inauguration is not in accordance with existing regulations, then of course this is a problem in itself. Meanwhile, even the inaugurated State Civil Apparatus, like it or not, must submit and be loyal to the regional head or as their leader to support all decisions and policies. If the personnel recruitment system is based on the political interests of the regional head and continues to be carried out, then it will inevitably be a problem for the concerned government bureaucrats. Because it is not in accordance with the government bureaucratic system and until whenever it will never achieve a good governance system or good governance in providing the best service for the people in Jember Regency.

<https://www.kissfmjember.com/2020/01/09/sotk-jember-should-be-suspected-conspiracy-bureaucracy-for-specific-purposes.html> (accessed on 27 March 2020 at 09.00 WIB).

The writer is of the view that, if an ASN official in a government environment is appointed or transferred to another place but not in accordance with the discipline of knowledge, then the person concerned is obliged to refuse with some strong basic arguments, even though it is the right of the regional head. But in fact, in every sector of government bureaucracy, if it is filled with bureaucrats or personnel who are in accordance with the competence of their field of knowledge, the service process in society and governance will be better. And also vice versa, as a result of the recruitment process that is not in accordance with competence in the field of science and due to political factors, it is indicated that the concept of neutrality of the State Civil Apparatus in the government bureaucracy will fade and may even disappear. The appointed State Civil Service personnel certainly have their own political contract with the regional head in carrying out every element of the interests of the regional head. This non-neutrality has a negative impact on services to the community.

The neutrality of the aforementioned State Civil Service officials, which is translated into a series of bureaucratic regulatory policies, is in fact problematic in concept and recruitment. This neutrality stands on the desire of the writerities to make the bureaucracy like a machine of power and the bureaucrats are the components in that machine. The neutrality in question leads to a form of political power influence which actually leads bureaucrats to be politically illiterate and understanding. Whereas what is needed for them is political education, especially when the bureaucrats have the right to vote as citizens.

METHOD

Some answers to the questions posed in this article, the writer used a normative juridical approach. With this approach, the writer traced all legal base data relevant to the issues to be discussed. The basic legal data material is sourced from primary data, namely the relevant Ministerial Regulations and Policies, as well as regulations issued by the Regional Government, as well as secondary data, namely in the form of books, research reports, articles in journals containing the opinions of experts in the field of governmental science related to the regional election sourced from several print and online media as well as following government developments. Some of these basic data were analyzed in depth and linked to several incidents in regional elections, then written qualitatively using a balanced logical mindset.

FINDINGS AND DISCUSSION

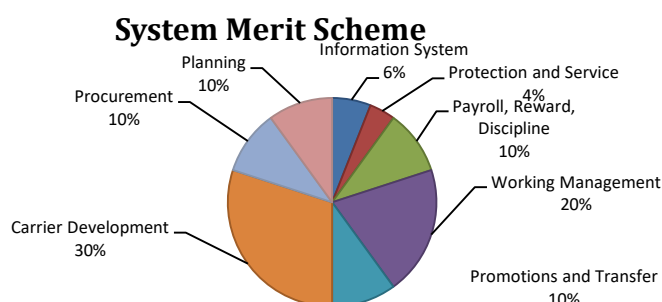
Driving Scheme of the Politization of Government Bureaucracy

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Discussing the government bureaucracy cannot be separated from the problem of political games. The process of creating an integrity and professional performance of the government bureaucracy must start with the leader, namely the regional head. As the top leader in the regions, the regional head has a systematic function and writerity in the government bureaucracy, including determining who is eligible to assist in several government work posts, namely filling positions.

The filling and determination of positions and career paths for bureaucrats by regional heads should be based on the principles of transparency based on the subjectivity of performance or through recruitment of achievements, which is the process of promoting and positioning government bureaucratic employees based on their ability and competence schemes in performing their performance, not on schemes, political connections between regional heads and bureaucrats. Or what is better known as "system merit". If the filling of these positions is still carried out through a scheme of political connections between regional heads and bureaucrats, then the writer is of the view that filling these positions is the opposite, namely the system of seizing office rights. So, the merit system needs to be proven and implemented in order to create a government bureaucracy that is responsible for providing the best service to the community by improving the performance of the apparatus and discipline in serving people who are clean from KKN.

One of the schemes in mobilizing a credible bureaucracy is through the implementation of a merit system which is driven by a policy regarding a recruitment system that is in accordance with scientific competence as well as career and welfare levels to improve the performance of the apparatus. The education and training system for civil servants also needs to be improved so that it is able to increase employee competence and match the needs of the latest government organizations. This, of course, was also followed by the attitude of regional heads who were fair and wise in leading the government at the time of the regional elections. However, it should be remembered that the regional head who won the regional election who is none other than a public official through the supporting political party, so the improvement in the performance and professionalism of the government bureaucracy through its officials also always depends on the vision and mission of the political party that carries it.

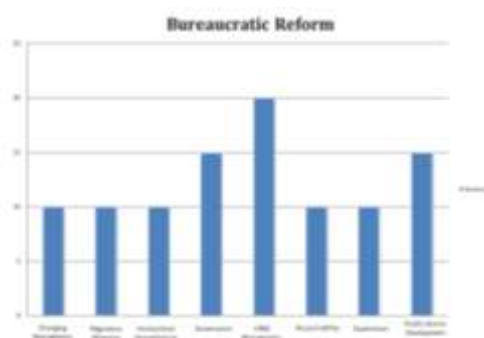


Picture 1. Bureaucracy System Merit Scheme

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According to the writer, another possible scheme to avoid politicizing the government bureaucracy is by reforming the bureaucracy as a whole and with a mature commitment. Administrative and civilized government bureaucratic reform is one of the best driving schemes to eliminate the main problems of politicization of the government bureaucracy. In that sense, reforming is not the same as for all bureaucratic structures. However, it is seeing to what extent the level of service and satisfaction of the community through bureaucratic organizations. If in the middle of the road it needs to be repaired, then the regional head must immediately fix it and there is no intervention from the supporting political party.

The writer considers that, when campaigning, the candidates for regional head prioritize and emphasize the elements of the economic sector through several schemes of assistance programs to improve people's welfare. However, reforming government bureaucratic institutions has not been conveyed when submitting the vision and mission of prospective candidates in the regional election. Economic improvement is very important, but it is even more important if the system improvement in the structure of the government bureaucracy is carried out first, which is expected to be able to treat diseases that have long been swollen and ingrained in the government.



Picture 2. Government Bureaucratic Reform
Source: Processed by the Writer

The thinking above is based on the writer's analysis, namely, if the government bureaucracy is always fixed by the regional head, then the bureaucracy automatically becomes a professional institution with various existing service methods. The health of the bureaucracy will facilitate all the affairs of the community in the regions. Considering that the change in the government bureaucracy system occurs at every change of leadership, the bureaucrats must always be ready for every challenge and serve the community in a sustainable manner. Therefore, there is a need for discipline and a fair and unidirectional attitude through the scheme of reforming the government bureaucracy of the elected regional head.

Independence of Bureaucrats during Regional election

The writer assumes that through the process of the regional election implementation scheme, through elections and just government bureaucratic reform, it

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can be concluded that the bureaucrats in government bureaucratic institutions must have a high attitude of independence during the regional election implementation process which is seen through several analyzes. One of them is by setting rules for regional head candidates so as not to campaign secretly against government bureaucratic institutions through their bureaucrats, this rule must be enforced so that bureaucrats have the freedom to choose their political candidates independently, so that the nature of democratic elections is fulfilled. In addition, bureaucrats are prohibited from taking sides and be more inclined towards one of the candidates for regional head, let alone the incumbent candidate. If these bureaucrats through their bureaucratic institutions are not independent, then it is clear that they violate the rules of bureaucracy that are just during the regional election process.

But in reality, it is not easy to create an independent and neutral government bureaucracy. In Jember Regency, for example, in the 2018 East Java Provincial Governor and Deputy Governor Election process there were many problems in the implementation of the Regional election that involved regional heads including government bureaucratic organizations, one of which was the neutrality of the government bureaucracy. The neutrality of the bureaucrats in the body of government agencies in the Jember Regency environment needs to be studied more deeply, especially in the 2018 Regional election, there were activities or non-neutrality events of several ASNs mobilized by the Regent of Jember who were none other than a ruling official, to a candidate for head. East Java Province, namely Drs. H. Syaifullah Yusuf and Puti Guntur Soekarno. We can see this activity of non-neutrality towards prospective candidates from the various activities carried out in a number of places during the regional election process. One example of government bureaucratic distortion in the 2018 Governor and Deputy Governor Election process, namely, when the Regent of Jember held a ceremonial campaign for the East Java Province Regional Head Candidate in 2018 which was packaged through joint gymnastic activities targeting young people or millennials <https://news.detik.com/berita-jawa-timur/d-3913582/bertemu-bupati-jember-puti-guntur-ngopi-Jadi-joget-bareng> (accessed on April 14, 2020 at 01.00 WIB).

In addition, the involvement of government bureaucrats carried out by regional authorities, in this case the Regent of Jember, in the context of politicizing the bureaucracy of a number of bureaucratic officials within the Jember Regency Government is also an example of the non-neutrality in the recruitment process of government bureaucratic officials. One example is the large-scale inauguration carried out by the Regent of Jember at the time of the 2020 regional election. The writer considers that the inauguration process is not in accordance with Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Regulations The Government in Lieu of Law Number 1 Year 2014

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concerning the Election of Governors, Regents and Mayors Becomes Law. Article 71 paragraph 2 of this law specifically states that the Governor or Deputy Governor, the Regent or the Deputy Regent, the Mayor or the Deputy Mayor may not hold a bureaucratic official inauguration in their territory for a certain time leading up to the Regional election process. However, this has become an attitude and views that are very conspicuous in the community. Meanwhile, the majority of the bureaucrats who have been appointed are ASNs who may be in two-way positions. There are those who support and some are not, even though as an ASN, they should not side with any regional head candidates <https://jatimnet.com/menjelang-regional-election-2020-bupati-jember-rombak-lebih-dari-360-jPosition-asn/> (accessed at April 16 2020 at 16.30 WIB).

According to the writer, the inauguration process is not in accordance with the desired merit system, namely by not considering the competence of bureaucratic officials fairly and rationally and with conditions with certain interests. With this context, the writer illustrates that this inauguration should be carried out in accordance with the passage of time (of the record) by looking at the support for the ability, competence and discipline of bureaucratic officials in serving the people of Jember, not because of the political factor of cow trading. Like there are rewards and there are punishments. Moreover, it was held with a very short time difference with the inauguration process for 3 (three) consecutive times with a fantastic number which later became a debate among the public. Finally, what happened to the officials who were inaugurated until now they were still unable to provide the best service to the community. This is due to the fact that the election process is not accountable and not transparent, because what is seen is not in terms of and support for competence, knowledge and abilities, but from the pros and cons of their political alignments with the elected Regent of Jember.

The circle of power of the Regional Head and the bureaucrats can be seen in the image below:



Picture 3. Circle of Bureaucrat Power
Source: Processed by the Writer

The ruling officials who have an interest in the regional election will automatically mobilize their supporters. They (ruling officials) will become bosses when they have more power. Either from the economic resources or the political resources of the power they have. Edward Aspinall and Ward Berenschot (2019) analyze that the role of bosses and supporters is still the main driving force in the

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regional election battle in Indonesia and undermines the government bureaucracy. The bosses of these politicians behave when winning politics, then share their power by distributing small-scale projects, cash or goods to people who are involved in an instant battle with each other between government bureaucrats for control of state resources. including in a strategic position in regional government.

The Impact of Bureaucrats when Participating in Regional election

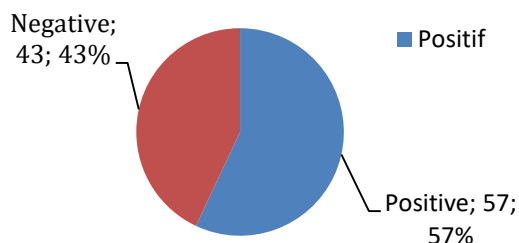
The writer is of the view that some of the participation of government bureaucrats in the implementation of regional election has two different impacts, namely positive and negative impacts. The positive impact of the participation of bureaucrats as candidate candidates is the form of participation in general elections at the regional or local level. Seeing the reality that is happening, the political aspirations of ASNs in the government bureaucracy can be channeled if they can advance to become candidates for regional head. In this position, of course these ASN bureaucrats are not only spectators in the democratic process which is held directly, but they become directly involved in organizing the regional election, let alone very influential in the regions to become regional heads. With this participation, the ASN bureaucrats in seizing the position of regional head have become a separate competition, considering that the other candidates come from non-bureaucrats, for example, businessmen, party politicians, activists and the military. Furthermore, if the ASN can eventually win the regional election, then this will have a positive impact in the framework of structuring the government bureaucracy professionally, which in turn will lead to improving public services in the regions. The writer considers that if ASN who follows the Regional election contestants and wins, he can carry out the restructuring of the government bureaucracy in a sustainable, efficient and effective manner. Because in fact ASN who becomes the Regent is an administrator who can organize effective and effective governance. In addition, ASN bureaucrats who win regional elections, of course, when running the wheels of government, they do not act awkwardly and rigidly, so they do not need to make adjustments or adaptations to their work environment. This is different from regional heads who come from the military environment. Usually regional heads who are from the military, be it the TNI or Polri, need a long time to make the adjustment process with the work environment in the government bureaucracy. Likewise, businessmen and activists and politicians will experience the same thing.

Meanwhile, the writer also cannot deny that the participation of ASN bureaucrats in the Regional election also has a negative impact and can be seen from the reality that occurs. For example, if those who appear as candidates for regional head are two ASN within the government, this will have negative implications for the running of the government bureaucracy. This is because the subordinate bureaucrats have been focused and depressed on top-level bureaucrats who appear as candidates for regional head. In

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this position, bureaucrats are prone to be politicized for the benefit of the ruling officials who are currently fighting in the regional election process.

The Impact of Regional election on Bureaucrats



Picture 4. Percentage of the Regional election Impact
Source: Processed by the Writer

CONCLUSION

Government bureaucracy and regional election in the implementation process have an inseparable relationship due to factors of political interest. This can be seen from the presence of bureaucrats in the government bureaucracy who enter the political arena in the regional election process. The basic assumption of their participation in the regional election event is that several statutory regulations have been made by the central government and local governments. The independence and neutrality of bureaucrats in organizing regional election should be minimized by a number of constitutional provisions that have been regulated. However, the reality on the ground is different. The writer argues, the attitude of bureaucratic officials who participate in structural practical politics creates distrust from the public because in reality they cannot provide the best service. On the other hand, the freedom that everyone has is the same opportunity and rights in participating in the regional election as long as all the conditions given are fulfilled.

The participation of these bureaucrats is a reality and a real dilemma that occurs in the political constellation as a result of the absence of neutrality of bureaucrats in the regions. In addition, pressure from the ruling party, acting as the ruling boss, is still often applied to the government bureaucracy. However, it is realized that the participation of bureaucrats in the government bureaucracy in the regional election process will ultimately have positive and negative impacts. The absence of protection or clear rules of the game from the involvement of the government bureaucracy in the regional election contest also causes negative impacts that always occur among bureaucrats.

Therefore, the writer is of the view that it is not surprising that there is a tug of war between ruling officials and government bureaucrats in the regional election process through a series of policies made by ruling officials. However, this attitude should be protected by clear and indiscriminate rules of the game. So that the pros and cons of the presence of government bureaucracy in every regional election in the region

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do not set a bad precedent in the eyes of the community and can be minimized so that people can understand the attitudes of these government bureaucrats.

This paper shows that the neutrality policy with a constitutional approach through a series of regulations is made unable to break the chain of politicization of the government bureaucracy in the context of regional elections. The independence and neutrality of the government apparatus which aims to achieve the desired government bureaucratic system, in fact only creates a bureaucracy that has a certain political attitude and is still controlled by the writerities, then it is moved by a power structure that affects their attitude through the process of implementing regional elections.

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