



State Apparatus Neutrality in Electoral Governance: The Siyāsah Tanfidziyah Perspective on Oversight Frameworks in Indonesia

Wulan Maulidia Putri ^{a,1,*}, Fathul Mu'in ^{b,2}, Alan Yati ^{b,3}

^a Fakultas Syariah UIN Raden Intan Lampung, Indonesia

^b Fakultas Syariah UIN Raden Intan Lampung, Indonesia

^c Fakultas Syariah UIN Raden Intan Lampung, Indonesia

¹ wulanmaulidiaputri@gmail.com *; ² fathulmuin@radenintan.ac.id; ³ alanyati@radenintan.ac.id

* corresponding author

ARTICLE INFO

Article history

Received: 24 December 2025

Revised: 07 January 2026

Accepted: 09 January 2026

Keywords

State apparatus neutrality;

Electoral governance;

Siyāsah tanfidhiyyah;

Electoral oversight

Legal pluralism

ABSTRACT

State apparatus neutrality is a constitutional principle central to the integrity of electoral governance in democratic states governed by the rule of law. This article examines the implementation of Article 4 of Bawaslu Regulation No. 6 of 2018 concerning the supervision of neutrality of the State Civil Apparatus (ASN), the Indonesian National Armed Forces (TNI), and the Indonesian National Police (Polri) in West Tulang Bawang Regency. Using a qualitative socio-legal approach, the study integrates doctrinal legal analysis with empirical field research. The framework of siyāsah tanfidhiyyah is employed as a normative-analytical instrument grounded in the principles of amānah, justice (al-'adl), accountability (mas'ūliyyah), and oversight (al-raqābah). The findings indicate that, while supervisory mechanisms comply procedurally with regulatory standards, their substantive effectiveness is constrained by fragmented sanctioning authority, limited institutional capacity, uneven internalization of neutrality norms, and entrenched informal power relations. The article argues for an integrative governance approach that combines regulatory coherence, institutional effectiveness, and ethical internalization of public authority.

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1. Introduction

The neutrality of state apparatuses constitutes a fundamental pillar of democratic, fair, and integrity-based electoral governance. Neutrality should not be narrowly construed

as mere administrative compliance with prohibitions against partisan political engagement; rather, it represents a constitutional principle and a norm of public ethics that ensures the exercise of state power remains impartial, insulated from partisan dominance, and oriented toward the protection of political equality among citizens.¹ Across democratic systems, the politicization of the bureaucracy has emerged as a persistent structural problem, capable of undermining electoral credibility, eroding public trust in state institutions, and distorting political competition.² When civil servants, security forces, and law enforcement agencies become entangled in electoral political interests, elections risk losing their core function as mechanisms of democratic legitimacy and fair circulation of power.³

Within the literature on public law and governance, the neutrality of state apparatuses is predominantly framed through a liberal - democratic paradigm that emphasizes bureaucratic professionalism, merit-based systems, limitations on executive authority, and procedural mechanisms of oversight and accountability.⁴ Formal regulations, codes of ethics, and institutional design are positioned as primary instruments to prevent abuses of authority, public resources, and structural positions within electoral processes. Contemporary electoral governance frameworks further rely on the strengthening of oversight institutions, legal compliance standards, and administrative or criminal sanctions.⁵ While these approaches have made significant contributions to legal certainty and institutional stability, critical scholarship increasingly demonstrates that procedural compliance alone is often insufficient to address informal power dynamics, patronage relations, and entrenched political cultures embedded within bureaucratic practice.⁶

The tension between formal regulatory design and the realities of governance practice becomes even more complex in societies characterized by legal pluralism, where the legitimacy of authority derives not solely from positive law but also from ethical, religious, and cultural values.⁷ In such contexts, the effectiveness of governance cannot be assessed exclusively through normative adherence to legal rules; it must also be evaluated in terms of the extent to which state institutions embody substantive justice, the trusteeship

¹ A Nadzirin and R M Sukmariningsih, "Does the State Civil Apparatus Violate Neutrality During Elections?," *Journal of Sustainable Development and Regulatory Issues* 3, no. 2 (2025): 400–433, <https://doi.org/10.53955/jsderi.v3i2.112>.

² R González et al., "Fairness beyond the Ballot: A Comparative Analysis of Failures of Electoral Integrity, Perceptions of Electoral Fairness, and Attitudes towards Democracy across 18 Countries," *Electoral Studies* 87 (2024), <https://doi.org/10.1016/j.electstud.2023.102740>.

³ Rofi Wahanisa and R Benny Riyanto, "From Justice to Politics : The Constitutional Court ' s Role in Structured and Systematic Election Violations," *Lex Scientia Law Review* 9, no. 1 (2025): 1252–84.

⁴ Virginia Oliveros and Christian Schuster, "Merit , Tenure , and Bureaucratic Behavior : Evidence From a Conjoint Experiment in the Dominican Republic," *Comparative Political Studies* 51, no. 6 (2018): 759–92, <https://doi.org/10.1177/0010414017710268>.

⁵ Oliveros and Schuster.

⁶ Wahanisa and Riyanto, "From Justice to Politics : The Constitutional Court ' s Role in Structured and Systematic Election Violations."

⁷ B Ulum and M Arifullah, "Contextualizing Fiqh Al-Siyāsah in Indonesia: A Proposed Typology of Islamic Populism," *Ahkam: Jurnal Ilmu Syariah* 24, no. 2 (2024), <https://doi.org/10.15408/ajis.v24i1.37747>.

of power, and moral responsibility.⁸ Contemporary constitutional and administrative law discourses have begun to acknowledge the importance of alternative normative approaches capable of enriching dominant paradigms that tend to be legalistic and procedural.⁹ Nevertheless, these approaches remain relatively marginal within electoral governance studies, particularly with respect to the integration of religious legal traditions as analytical frameworks.

Indonesia presents a highly relevant empirical context for examining these issues. As a constitutional democracy with an extensive bureaucratic structure and a plural legal culture, Indonesia has consistently faced challenges in maintaining the neutrality of state apparatuses throughout successive electoral cycles and local elections. The State Civil Apparatus (ASN), the Indonesian National Armed Forces (TNI), and the Indonesian National Police (Polri) occupy strategic positions in governance, security management, and law enforcement. Their structural proximity to executive power, combined with dense socio-political relations at the local level, generates vulnerabilities to bureaucratic politicization, both overt and covert.¹⁰ These vulnerabilities are empirically reflected in oversight data reported in 2023, which recorded 2,073 public complaints of alleged ASN neutrality violations, of which 1,605 cases (77.5%) were substantiated and 1,402 cases (88.5%) resulted in administrative sanctions imposed by the authorized personnel authorities,¹¹ indicating the persistent and systemic nature of neutrality challenges within the bureaucratic apparatus.

In response to these challenges, Indonesia has established a formal oversight framework through the authority of the General Election Supervisory Agency (Bawaslu), as expressly mandated in Article 93(f) of Law Number 7 of 2017 on General Elections, which authorizes Bawaslu to supervise the neutrality of the State Civil Apparatus (ASN), the Indonesian National Armed Forces (TNI), and the Indonesian National Police (Polri).¹² This statutory mandate is embedded within the broader regulatory architecture set out in Articles 93–101 of the same law, encompassing oversight functions, prevention of electoral violations, enforcement measures, and electoral dispute resolution. The mandate

⁸ W Anandy, F Hamdani, and U Nnawulezi, “Administrative Justice in the Perspective of Islamic Legal Philosophy: A Comparative Study of Ethical Legitimacy and Bureaucratic Rationality,” *Jurnal Ilmiah Mizani* 12, no. 2 (2025): 751–69, <https://doi.org/10.29300/mzn.v12i2.8269>.

⁹ Andi Sugirman et al., “Balancing Individual Political Rights and Institutional Integrity in an Islamic Constitutional Perspective on Party Switching in Indonesia,” *El -Mashlahah* 15, no. 2 (2025): 369–92, <https://doi.org/10.23971/el-mashlahah.v15i2.9995>.

¹⁰ Irfan Amir, “Disqualification of the Candidate Pair for the Elected Regional Head of Sabu Raijua Regency” 5, no. 2 (2021): 196–213, <https://doi.org/10.35673/al-bayyinah.v4i2.1830>.

¹¹ Nina Susilo, “Maintaining Democracy , State Apparatus Are Demanded to Prove Neutrality in Elections,” *Kompas.Id*, 2023, <https://www.kompas.id/artikel/en-jaga-demokrasi-aparatur-negara-dituntut-buktikan-netralitas-di-pemilu>.

¹² D S Kartini, “Civil Servant Neutrality on 2019 General Election in Indonesia,” *Central European Journal of International and Security Studies* 13, no. 4 (2019): 1–14, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85081909417&partnerID=40&md5=ce3aef30d8b14a356a2dfca5b8cdd8e7>.

is further operationalized through Bawaslu Regulation Number 6 of 2018, which explicitly designates ASN personnel, TNI members, and Polri officers as objects of supervision when their actions potentially contravene electoral laws or institutional codes of ethics and discipline.¹³ Article 4 of the regulation substantively defines the scope of neutrality oversight, encompassing decisions and/or actions that advantage or disadvantage electoral contestants during the campaign period, as well as activities indicating partiality before, during, and after campaigns, including meetings, appeals, directives, exhortations, or the provision of goods within workplaces, families, and communities. Normatively, this construction reflects the state's commitment to enforcing the principle of impartiality through a relatively comprehensive legalistic and institutional approach.

Nonetheless, empirical studies and oversight reports consistently highlight multidimensional constraints in implementing neutrality supervision. These include persistent political pressures and external interventions targeting ASN and law enforcement agencies,¹⁴ security risks that may compromise institutional impartiality,¹⁵ fragmented and incoherent regulatory frameworks leading to weak enforcement and normative inconsistencies,¹⁶ and structural politicization through patronage networks coupled with the erosion of merit-based personnel systems.¹⁷ Tensions between statutory neutrality obligations and the constitutional rights of civil servants further complicate compliance and accountability. Collectively, these dynamics suggest that existing oversight mechanisms tend to prioritize formal legal compliance while remaining insufficient to address deeper power relations, informal political influence, and ethical vulnerabilities embedded within bureaucratic practice, raising critical questions about the extent to which current frameworks can secure substantive neutrality rather than mere procedural conformity.

¹³ Diana Findhi Hastuti, "PERAN DAN WEWENANG BAWASLU DALAM MEWUJUDKAN NETRALITAS ASN PADA PILKADA SERENTAK 2024 DI KABUPATEN PURBALINGGA PERSPEKTIF FIQH SIYASAH" (UNIVERSITAS ISLAM NEGERI PROF. K.H. SAIFUDDIN ZUHRI PURWOKERTO, 2024).

¹⁴ Amir and Hertanto, "NETRALITAS APARATUR SIPIL NEGARA DALAM PEMILU SERENTAK TAHUN 2024," *Journal Publicuho* 6, no. 2 (2024): 466–76, <https://doi.org/https://doi.org/10.35817/publicuho.v6i2.123>; Anib Bastian, Rustam Hs Akili, and Yusrianto Kadir, "Netralitas Kepolisian Republik Indonesia Pada Penyelenggaraan Pemilihan Umum," *JURNAL HUKUM, POLITIK DAN ILMU SOSIAL (JHPIS)* 3, no. 2 (2024): 96–104, <https://doi.org/doi.org/10.55606/jhpis.v3i2.3721>.

¹⁵ Yusup Rahman Hakim, "NETRALITAS TNI DAN POLRI DALAM PENYELENGGARAAN PEMILIHAN UMUM GUNA MEWUJUDKAN KONSOLIDASI DEMOKRASI DI INDONESIA," *Jurnal Keadilan Pemilu* 4, no. 1 (2023): 67–76, <https://doi.org/https://doi.org/10.55108/jkp.v4i1.419>.

¹⁶ Amir and Hertanto, "NETRALITAS APARATUR SIPIL NEGARA DALAM PEMILU SERENTAK TAHUN 2024"; Nadzirin and Sukmariningsih, "Does the State Civil Apparatus Violate Neutrality During Elections?"

¹⁷ Mochamad Riyanto, Agus Widodo, and Rini Retnowinarni, "NETRALITAS APARATUR SIPIL NEGARA (ASN) DALAM PILKADA UNTUK MEWUJUDKAN GOOD GOVERNANCE," *JOURNAL SYNTAX IDEA* 5, no. 12 (2023): 2442–52; Nadzirin and Sukmariningsih, "Does the State Civil Apparatus Violate Neutrality During Elections?"

Although scholarship on electoral governance, bureaucratic neutrality, and oversight effectiveness has developed extensively, much of the existing research remains anchored in administrative law and liberal-democratic paradigms that emphasize procedural compliance, institutional design, and regulatory effectiveness. While indispensable, these approaches are relatively limited in capturing the ethical dimensions of power, moral legitimacy, and the substantive responsibility of state apparatuses within plural value systems. In the Indonesian context, empirical studies on neutrality oversight tend to focus on legal compliance, institutional capacity, and sanctioning mechanisms, with minimal engagement with alternative normative frameworks capable of interrogating the ethical rationality and substantive integrity of governance practices. Consequently, a significant research gap persists concerning how non-Western legal traditions, particularly Islamic public law paradigms such as *siyasah tanfidziyah* may function as analytical frameworks for assessing the effectiveness, legitimacy, and ethical coherence of electoral oversight systems.

Within the tradition of Islamic constitutional thought, *siyasah tanfidziyah* refers to the governance of executive authority oriented toward public welfare (*maslahah 'ammah*), the trusteeship of power (*amanah*), substantive justice, and the moral responsibility of leadership.¹⁸ Far from being purely theological or moralistic, this concept encompasses normative principles that can be operationalized in governance analysis, including the limitation of power, leadership accountability, and the ethical legitimacy of public policy.¹⁹ By positioning *siyasah tanfidziyah* as an analytical framework, the assessment of governance practices extends beyond conformity with positive law to include evaluations of power integrity and substantive justice in the exercise of state functions.

This article addresses the identified research gap by conceptualizing *siyasah tanfidziyah* as a normative-analytical framework for evaluating the oversight of state apparatus neutrality within electoral governance. Drawing on qualitative field research conducted in West Tulang Bawang Regency, the article examines supervisory practices concerning ASN, TNI, and Polri under Bawaslu Regulation Number 6 of 2018, while simultaneously assessing the extent to which principles of trusteeship (*amanah*), justice (*al-'adl*), and responsibility of power (*mas'uliyah*) are internalized within institutional design and oversight practices. The article's primary contributions lie in: (1) expanding the theoretical horizon of bureaucratic neutrality studies through the integration of Islamic legal paradigms; (2) providing a normative-critical lens for reassessing the effectiveness of

¹⁸ Ahmad Rofiq, "Siyasah Tanfidziyah Dalam Sistem Ketatanegaraan Modern," *Jurnal Ijtihad* 2, no. 1 (2020): 16–19.

¹⁹ Mubarika Rahmayanty and Irfan Amir, "Juridical Analysis of Implementing the Presidential Threshold in the Presidential Election Of Indonesia," *Jurnal Al-Dustur Program Studi Hukum Tata Negara Pascasarjana Institut Agama Islam Negeri (IAIN) Bone* 4, no. 1 (2021): 83–107, <https://jurnal.iain-bone.ac.id/index.php/aldustur/article/view/1477/pdf>.

electoral oversight frameworks in legally plural societies; and (3) enriching comparative discourse on the role of ethical governance traditions in strengthening democratic integrity.

Based on this framework, the article seeks to address three central research questions: (1) how is the oversight of ASN, TNI, and Polri neutrality implemented under Bawaslu Regulation Number 6 of 2018 at the local level; (2) what structural and cultural factors influence the effectiveness of this oversight framework; and (3) how can *siyasah tanfidziyah* be employed as an analytical framework to evaluate and strengthen the governance of state apparatus neutrality within Indonesia's electoral system. By addressing these questions, the article aims to contribute not only to the development of national legal scholarship but also to international debates on electoral governance, bureaucratic neutrality, and the integration of ethical governance traditions into contemporary public law.

2. Legal Material and Methods

This study adopts a qualitative socio-legal approach integrating doctrinal legal analysis with empirical field research to examine the implementation of Article 4 of Bawaslu Regulation No. 6 of 2018 concerning the supervision of neutrality of the State Civil Apparatus (ASN), the Indonesian National Armed Forces (TNI), and the Indonesian National Police (Polri), as well as its alignment with the normative principles of *siyasah tanfidziyah*. Fieldwork was conducted at the West Tulang Bawang Regency Election Supervisory Agency, selected for its direct authority in neutrality oversight and inter-agency coordination within a politically dynamic local context. Primary legal materials included relevant statutes, particularly Bawaslu Regulation No. 6 of 2018 and related institutional documents. Empirical data were collected through purposive semi-structured interviews with Bawaslu commissioners and supervisory staff, complemented by non-participant observation and document analysis. Data were analyzed inductively through coding and thematic interpretation. The *siyasah tanfidziyah* framework was operationalized using three indicators; *amanah*, *al-'adl*, and *mas'uliyah* to assess oversight effectiveness. Ethical standards were upheld through informed consent and data anonymization.

3. Results and Discussion

3.1. Fiqh Siyasah as an Analytical Framework for Supervising State Apparatus Neutrality: The Siyasah Tanfidziyah Perspective

Within the framework of *fiqh siyasah*, state power is not conceived as a value-free prerogative, but as a form of public trusteeship (*amanah 'ammah*) that must be exercised responsibly, justly, and in orientation toward the public good (*maslahah 'ammah*).²⁰ One of the principal branches of *fiqh siyasah* that is particularly relevant for assessing contemporary practices of governance is *siyasah tanfidziyah*, which refers to the execution

²⁰ Ulum and Arifullah, "Contextualizing Fiqh Al-Siyāsah in Indonesia: A Proposed Typology of Islamic Populism."

and implementation of policies and laws enacted by legitimate authority. The central concern of *siyasah tanfidziyah* lies in how legal norms are translated into concrete practice through the actions of state apparatuses, bureaucratic mechanisms, and oversight systems designed to ensure compliance with principles of justice and accountability.²¹ In the context of modern democratic states, this perspective provides both a normative and analytical framework for evaluating the quality of governance, including electoral administration and the supervision of state apparatus neutrality.

The neutrality of state apparatuses, including the State Civil Apparatus (ASN), the Indonesian National Armed Forces (TNI), and the Indonesian National Police (Polri) in electoral processes constitutes a fundamental prerequisite for the realization of procedural and substantive justice in democracy.²² State officials function not merely as administrative actors, but also as embodiments of state authority whose conduct directly shapes public trust in the legitimacy of power. Within the *siyasah tanfidziyah* framework, state apparatuses are positioned as *al-qaim bi tanfidzi al-ahkam*, namely the technical executors of policies and laws who bear moral, ethical, and juridical obligations to discharge public authority objectively, professionally, and free from partisan political interests.²³ Non-neutrality in electoral contexts may therefore be understood as a form of *khiyānah al-amānah* (betrayal of public trust), insofar as it entails the misuse of state authority for the benefit of particular political actors or groups, thereby undermining the principle of justice that constitutes the foundation of political legitimacy.

The first principle underpinning the analytical framework of *siyasah tanfidziyah* is “*amanah*”. *Amanah* is not limited to individual honesty, but denotes institutional integrity in the responsible and transparent management of public authority.²⁴ In the context of supervising state apparatus neutrality, *amanah* is reflected in the consistent adherence of officials to legal norms, the avoidance of conflicts of interest, and the preservation of institutional independence from political pressure. It also requires a firm institutional commitment to ensuring that neutrality violations are addressed objectively and proportionately, rather than selectively or through political compromise. Accordingly, *amanah* functions as a normative indicator for assessing the integrity of oversight, beyond mere administrative or procedural compliance.

The second principle is justice which in *siyasah tanfidziyah* extends beyond formal-legal justice to encompass substantive justice in the distribution of power, the protection of citizens’ political rights, and equality of treatment within electoral

²¹ R Jaya, “URGENSI CHECKS AND BALANCES KETATANEGARAAN INDONESIA DAN ISLAM,” *Juris: Jurnal Ilmiah Syariah* 18, no. 2 (2019): 221–32, <https://doi.org/10.31958/juris.v18i2.1740>.

²² B Sarnawa and F M Khaer, “Historical Study of the Neutrality Arrangements of the State Civil Apparatus in General Elections in Indonesia,” *Jurnal Media Hukum* 31, no. 2 (2024): 262–79, <https://doi.org/10.18196/jmh.v31i2.22618>.

²³ M. Syaifuddin, “Penyalahgunaan Kekuasaan Dalam Perspektif Hukum Islam,” *Jurnal Asy-Syari’Ah* 2, no. 2 (2021): 11–15.

²⁴ Menara Mara et al., “The Relationship Between Transformational Leadership and Organizational Citizenship Behavior in Law Enforcement : An Islamic Leadership Perspective,” no. I (n.d.): 230–55.

processes.²⁵ The neutrality of state apparatuses serves as a primary safeguard against distortions in political competition and ensures that all electoral participants operate on an equal footing. When state officials engage in partisanship or political mobilization, structural imbalances emerge that compromise democratic fairness.²⁶ Consequently, neutrality oversight must not be confined to the fulfillment of procedural indicators alone, but must be capable of guaranteeing the realization of substantive justice in electoral governance.²⁷

The third principle is responsibility and accountability (*mas'uliyah*). Within the *siyasah tanfidziyah* paradigm, the exercise of power is inseparable from accountability, encompassing legal, moral, and social dimensions. State apparatuses are accountable not only to their hierarchical superiors, but also to society as the ultimate bearer of sovereignty.²⁸ Accountability requires oversight mechanisms that are effective, transparent, and publicly verifiable. In the supervision of state apparatus neutrality, *mas'uliyah* can be operationalized through clear procedures for handling violations, openness of information, consistency in the enforcement of sanctions, and the institutional independence of supervisory bodies from political intervention. Absent robust accountability, the principles of *amanah* and justice risk being reduced to normative rhetoric devoid of practical force.

Beyond these three principles, *siyasah tanfidziyah* also emphasizes oversight (*al-raqābah*) as a strategic corrective instrument to prevent abuses of power and unjust conduct in governance. Oversight is not understood merely as an administrative activity, but as an ethical and institutional mechanism for maintaining the balance of power and safeguarding public interests.²⁹ In modern state contexts, electoral supervisory bodies such as Bawaslu may be viewed as contemporary manifestations of *al-raqābah*, reflecting state efforts to ensure that political authority is exercised fairly, transparently, and free from manipulation. Accordingly, the effectiveness of oversight should be measured not solely by the number of detected violations or imposed sanctions, but by its capacity to prevent misconduct, cultivate a culture of compliance, and enhance public trust in electoral integrity.

The analytical framework of *siyasah tanfidziyah* is also closely aligned with contemporary legal discourse on the role of state apparatuses in ensuring objectivity and non-discrimination in the enforcement of law. A growing body of scholarship indicates that the lack of neutrality among legal officials may generate structural inequalities and

²⁵ Wahanisa and Riyanto, "From Justice to Politics : The Constitutional Court ' s Role in Structured and Systematic Election Violations."

²⁶ M Beni Kurniawan, "Constitutional Analysis of Presidential Neutrality in Tinjauan Konstitusional Terhadap Netralitas Presiden Dalam Pemilihan Presiden : Upaya Mewujudkan Demokrasi Substantif," *Jurnal Konstitusi* 22, no. 3 (2025), <https://doi.org/https://doi.org/10.31078/jk2238>.

²⁷ Kartini, "Civil Servant Neutrality on 2019 General Election in Indonesia."

²⁸ Lukman Arake, "Agama Dan Negara Perspektif Fiqh Siyasah," *Al-Adalah: Jurnal Hukum Dan Politik Islam* 3, no. 2 (2018): 79–116, <https://doi.org/10.35673/ajmpi.v3i2.200>.

²⁹ Rudi Santoso, Habib Shulton, and Fathul Mu, "Optimalisasi Tugas Dan Fungsi DPRD Dalam Mewujudkan Pemerintahan Bersih," *AS-SIYASI: Journal of Constitutional Law* 1, no. 1 (2021): 77–94, <https://doi.org/https://doi.org/10.24042/as-siyasi.v1i1.8960>.

erode substantive justice within society. From the perspective of *fiqh siyasah*, the abuse of public office not only violates positive law, but also undermines the moral legitimacy of authority and contravenes the objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly with respect to the protection of justice, social welfare, and political stability.³⁰ Strengthening state apparatus neutrality should therefore be understood not merely as a technical issue of electoral administration, but as an integral component of ethical governance and power reform.

Within the Indonesian regulatory context, the supervision of state apparatus neutrality as stipulated in Bawaslu Regulation No. 6 of 2018 may be interpreted as a normative instrument for operationalizing the principles of *amanah*, justice, and accountability in electoral governance. The regulation not only prescribes prohibitions and obligations for state officials, but also establishes an institutional oversight framework, mechanisms for handling violations, and inter-agency coordination. Nevertheless, a purely juridical-positive approach remains insufficient for assessing the quality of its implementation, as oversight effectiveness is shaped by structural conditions, bureaucratic culture, local power relations, and the institutional capacity of supervisory bodies. It is precisely at this juncture that the *siyasah tanfidziyah* perspective functions as a critical lens for evaluating whether regulatory design and enforcement practices genuinely reflect substantive justice and public welfare.

Based on this framework, the present study operationalizes *siyasah tanfidziyah* through several key analytical indicators: (1) the integrity and independence of state apparatuses as manifestations of *amanah*; (2) the impartial exercise of authority as an indicator of substantive justice; (3) the accountability of oversight mechanisms and sanction enforcement as expressions of *mas'uliyah*; and (4) the effectiveness of preventive and corrective functions of supervisory institutions as manifestations of *al-raqābah*. These indicators are employed to assess the extent to which the supervision of state apparatus neutrality transcends legal-formal compliance and embodies an ethical quality of governance oriented toward public welfare and democratic integrity.

Accordingly, *siyasah tanfidziyah* is not positioned merely as an idealistic normative framework, but as an analytical instrument for examining the gap between legal norms, institutional design, and the empirical practice of neutrality supervision. This approach enables a more comprehensive analysis of regulatory implementation challenges, while simultaneously opening space for policy recommendations that strengthen not only legal compliance, but also the cultivation of a bureaucratic culture grounded in integrity, justice, and responsibility. This framework thus provides the conceptual foundation for the subsequent empirical analysis, which examines the practice of state apparatus neutrality supervision at the local level and the structural and cultural dynamics that shape it.

³⁰ Ulul Umami and Abdul Ghofur, "Human Rights in Maqāṣid Al-Sharī'ah Al-Āmmah: A Perspective of Ibn 'Āshūr," *Al-Ahkam* 32, no. 1 (2022): 87–108, <https://doi.org/10.21580/ahkam.2022.32.1.9306>.

3.2. Supervision of State Apparatus Neutrality in Practice: An Empirical Study in West Tulang Bawang Regency

The implementation of supervision over the neutrality of state apparatus at the local level constitutes a primary empirical indicator for assessing the effectiveness of General Election Supervisory Agency (Bawaslu) Regulation No. 6 of 2018 concerning the Supervision of the Neutrality of the State Civil Apparatus (ASN), the Indonesian National Armed Forces (TNI), and the Indonesian National Police (Polri). In West Tulang Bawang Regency, this supervisory function is exercised by the Regency-level Bawaslu as an institution vested with attributive authority to carry out preventive measures, active supervision, and the handling of alleged electoral violations. The findings indicate that, procedurally, the supervisory mechanisms have been implemented in accordance with the prescribed normative framework; however, the substantive effectiveness of supervision remains constrained by various structural and cultural factors that limit the corrective capacity of the supervisory system.

Supervision of state apparatus neutrality is conducted through an active monitoring model across all stages of the electoral process, with the highest intensity observed during the campaign phase of the 2024 Regional Head Election. The focus of supervision is directed toward potential involvement of ASN, TNI, and Polri personnel in practical political activities, particularly decisions and/or actions that benefit or disadvantage electoral contestants, as well as activities indicating partisanship before, during, and after the campaign period, as stipulated in Article 4(1) of Bawaslu Regulation No. 6 of 2018, including, *inter alia*, meetings, solicitations, appeals, calls, or the provision of goods as specified in Article 4(2). Based on interviews with commissioners and staff of the West Tulang Bawang Regency Bawaslu, supervision is carried out through direct field monitoring as well as the tracing of preliminary information derived from public reports and internal supervisory findings. This practice is consistent with Article 7(1), which provides that the handling of alleged neutrality violations originates from findings and reports at every stage of electoral administration. Furthermore, each alleged violation undergoes an initial clarification process to ensure the fulfillment of both formal and material elements before being formally registered as an official finding, in accordance with Article 7(2), which requires that case handling follow the procedural framework governing the management of findings and violation reports.³¹ This mechanism reflects adherence to the principle of due process of law in the handling of electoral violations.³²

Empirically, Bawaslu of West Tulang Bawang Regency recorded one finding of an alleged violation of ASN neutrality during the campaign stage of the 2024 regional election.³³ The allegation was based on photographic documentation indicating the involvement of an ASN in activities related to the socialization of a “blank ballot” option. The preliminary information was discussed in an internal plenary meeting to assess the

³¹ Erni Dwita Silambi et al., “Rekonstruksi Penegakan Hukum Tindak Pidana Politik Uang Dalam Pemilihan Umum,” *Al Adalah: Jurnal Hukum Dan Politik Islam* 8, no. 1 (2023): 66–79, <https://doi.org/https://doi.org/10.30863/ajmpi.v1i1.3393>.

³² Liza Ariyanti, Muspita Sari, and darl, “Safeguarding Constitutional Rights in Regional Elections: An Analysis of Violation Handling by Bawaslu Bone in the 2024 Election,” *Constitutional Law Review* 4, no. 1 (2025): 54–69.

³³ Bawaslu Kabupaten Tulang Bawang Barat, Berita Acara Pleno Penetapan Temuan Dugaan Pelanggaran Netralitas ASN, Tahun 2024

fulfillment of formal and material elements, subsequently registered as an official finding, and followed up through clarification of the relevant parties, collection of additional evidence, and coordination with the Agency for Personnel and Human Resource Development (BKPSDM) to verify the employment status of the reported individual. The handling of this case demonstrates that supervisory and enforcement procedures were carried out in an administratively accountable and transparent manner.

Nevertheless, the existence of only a single official finding does not necessarily indicate a high level of substantive compliance with the principle of neutrality among state apparatuses. Within the local socio-political context, characterized by patron–client relations and close social proximity among bureaucrats, political elites, and the community, potential violations often remain unreported or are not formally documented. This pattern aligns with empirical evidence on politicized policing during the 2019 Indonesian presidential election, which demonstrated that state actors’ political involvement can occur through informal practices, such as selective monitoring, disproportionate law enforcement, and subtle management of citizens’ political preferences, without manifesting as formal legal violations.³⁴ Such conditions suggest the possibility of under-reporting, which may obscure the complexity of neutrality issues at the local level. Accordingly, quantitative indicators, such as the number of findings, cannot serve as the sole measure of supervisory effectiveness; rather, they should be interpreted in conjunction with qualitative analysis that accounts for the broader social structures and political culture of the local context.

Beyond these socio-political constraints, the study further finds that the effectiveness of neutrality supervision is also constrained by structural factors within the supervisory institution itself. In particular, limitations in supervisory human resources, both in terms of quantity and technical capacity, tend to restrict the intensity and coverage of monitoring activities, especially during critical electoral phases. The substantial supervisory workload is often not commensurate with the available institutional resources, thereby reducing the capacity for proactive enforcement. Furthermore, interview data suggest that the level of understanding among segments of the state apparatus regarding the normative boundaries of political neutrality remains uneven, indicating that the internalization of the ethical principles underpinning public office has not been fully consolidated.³⁵ In practice, neutrality is frequently perceived primarily as a procedural or administrative obligation rather than as a moral and civic responsibility inherent in the exercise of public authority.

From the perspective of *siyasaḥ tanfidziyah*, this condition reflects the incomplete internalization of the principles of *amanah* and *al-‘adl* within local bureaucratic practice. State apparatuses often occupy a dilemmatic position between formal demands of professional neutrality and informal pressures arising from socio-political relations. When social loyalty and local political network interests outweigh commitment to justice and impartiality, neutrality risks being reduced to symbolic compliance with legal rules rather than ethical obedience to the objectives of the law itself.

³⁴ S N Siregar, “Politicised Policing in Indonesia: A Study of the Indonesian National Police during the 2019 Presidential Election,” *Asian Journal of Political Science* 33, no. 3 (2025): 654–72, <https://doi.org/10.1080/02185377.2025.2500005>.

³⁵ Mandra Sanova Putra, interview by author, Case Handling Staff, Bawaslu Kabupaten Tulang Bawang Barat, 2024

Another significant constraint lies in the limited institutional authority of Bawaslu in imposing sanctions. As confirmed by interviews with officials of the Regional Civil Service and Human Resources Development Agency (BKPSDM), Bawaslu's authority is structurally confined to issuing recommendations, while executive authority to impose administrative sanctions rests with personnel supervisory officials.³⁶ This limitation is normatively reinforced by Article 10 of Bawaslu Regulation No. 6 of 2018, which stipulates that Bawaslu, at all levels, is only mandated to supervise the implementation of follow-up actions on its recommendations by the competent authorities. Such a fragmented allocation of authority weakens the coercive force of electoral supervision and diminishes the deterrent effect against violations of ASN neutrality. From the perspective of institutional accountability, this structural gap between supervisory functions and sanction enforcement undermines the effective realization of mas'uliyah as a core principle of electoral governance.

Beyond enforcement, the preventive dimension of supervision also faces serious challenges. The low level of understanding among state apparatuses regarding neutrality norms suggests that supervisory approaches overly focused on procedural and repressive aspects are insufficient to foster long-term compliance. Supervisory strategies must therefore be complemented by systematic and continuous educational approaches aimed at promoting the internalization of ethical values of office, professionalism, and public responsibility. Numerous studies indicate that sustained education and socialization significantly influence changes in attitudes and levels of legal compliance,³⁷ not only at the administrative level but also in the formation of normative legal consciousness.³⁸

Within the perspective of al-raqābah as conceptualized in siyasah tanfidziyah, supervision functions not merely as a corrective mechanism in response to violations, but also as a preventive instrument to ensure that the exercise of power remains within the bounds of justice and public welfare.³⁹ Consequently, the effectiveness of neutrality supervision is determined not solely by regulatory strength and procedural accuracy, but also by the quality of supervisory human resources, institutional integration of authority, and the successful internalization of ethical values within bureaucratic culture. Overall, the implementation of state apparatus neutrality supervision in West Tulang Bawang Regency reveals a gap between procedural compliance and substantive effectiveness. Although supervisory mechanisms have operated in accordance with normative provisions, various structural and cultural factors continue to limit the capacity of supervision to shape genuinely neutral and integrity-driven bureaucratic behavior. These findings underscore that strengthening institutional design, enhancing human resource capacity, harmonizing sanctioning authority, and reinforcing educational strategies are essential prerequisites for improving the quality of neutrality supervision and safeguarding the integrity of electoral democracy.

³⁶ Interview with Andi Setiawan (Staff of the Regional Civil Service and Human Resources Development Agency [BKPSDM], West Tulang Bawang Regency, 2024)

³⁷ Alan Yati, "The Effect of Islamic Financial Socialization and Education on Public Interest in Using Islamic Banking Services," *Nomico Journal* 1, no. 4 (2024): 29–41, <https://doi.org/https://doi.org/10.62872/sladv86>.

³⁸ Izza Madani, Irwan Putra, and Putra Setiawan, "Kesadaran Hukum Sebagai Fondasi Dalam Membentuk Karakter Warga Negara Yang Baik," *CIVICS: Jurnal Pendidikan Pancasila & Kewarganegaraan* 10, no. 01 (2025): 716–26.

³⁹ Jaya, "URGENSI CHECKS AND BALANCES KETATANEGARAAN INDONESIA DAN ISLAM."

3.3. Normative Synthesis and Policy Implications: Strengthening State Apparatus Neutrality in Electoral Governance

The synthesis between the normative framework of *siyāsah tanfidhiyyah* and the empirical findings from West Tulang Bawang Regency indicates that the principal challenge in supervising the neutrality of state apparatus does not lie in the absence of regulation or deficiencies in procedural design, but rather in the gap between formal compliance and substantive effectiveness in shaping bureaucratic behavior. Normatively, Bawaslu Regulation No. 6 of 2018 provides a relatively comprehensive supervisory framework; however, in practice, its implementation continues to encounter structural constraints, fragmented authority, and cultural challenges that hinder the internalization of neutrality values within local bureaucratic culture.⁴⁰

From the perspective of *siyāsah tanfidhiyyah*, the gap in the supervision of state apparatus neutrality reflects the insufficient integration of the principles of *amānah* (trust), *al-‘adl* (justice), and *mas’ūliyyah* (accountability) into the practical governance of electoral oversight. Supervisory mechanisms that remain predominantly administrative and procedural tend to produce symbolic compliance rather than sustained ethical adherence, as state officials comply with formal rules primarily due to regulatory pressure rather than normative awareness of their public responsibility as trustees of delegated authority. This limited capacity of supervision to cultivate ethical compliance is manifested in recurrent patterns of office abuse by public officials, which Zuhraeni, Zaelani, and Mu’in identify as violations of the oath of office that undermine the legitimacy of authority and justify dismissal under both positive law and the framework of *fiqh siyāsah*.⁴¹ Their findings demonstrate that when supervisory institutions fail to transform legal norms into internalized ethical values, officials are more likely to engage in unjust and self-interested conduct that disregards public welfare (*maṣlahah ‘āmmah*). Accordingly, *siyāsah tanfidhiyyah* conceptualizes state apparatus as policy executors who are normatively obliged to act objectively, professionally, and free from partisan political interests, underscoring that regulatory effectiveness depends not solely on the clarity of legal rules but on the institutional capacity to foster ethical compliance beyond formal legality.

Empirical findings concerning limited supervisory resources, insufficient understanding among state officials regarding the boundaries of political neutrality, and the persistence of strong local patron–client relations indicate that the supervision of state apparatus neutrality faces structural and sociological challenges that cannot be addressed solely through the reinforcement of formal legal procedures. These challenges are further substantiated by the findings of Shinta (2021), who demonstrate that social capital-based relations between the State Civil Apparatus (ASN) and incumbents actively foster bureaucratic non-neutrality in local executive elections.⁴² Their study shows that such non-neutrality is produced through informal mechanisms, including

⁴⁰ Fathul Mu’in, “PANDANGAN HUKUM ISLAM TERHADAP DEMOKRASI PEMILIHAN KEPALA DESA,” *Ijtima’iyya: Jurnal Pengembangan Masyarakat Islam* 12, no. 2 (2019): 231–47.

⁴¹ Fathul Mu’in Zuhraeni, Abdul Qodir Zaelani, “Dynamics of Dismissal of Regional Heads in Lampung Province Perspective of Law and Fiqh Siyāsah” 21, no. 2 (2023): 3–4.

⁴² S Hadiyantina, “The Most Appropriate Strategy to Enhance Civil Servants’ Neutrality in the Governance,” *Journal of Economic and Administrative Sciences* 37, no. 1 (2021): 61–78, <https://doi.org/10.1108/JEAS-03-2019-0031>.

paternalistic information channels, politically embedded obligations and expectations, the operation of informal norms and effective sanctions imposed by superiors, as well as weak community control,⁴³ all of which function beyond the reach of administrative oversight. These dynamics constrain the effectiveness of procedural regulation and underscore that neutrality deficits are not merely legalistic problems. In this context, *siyāṣah tanfīdhiyyah* offers a normative framework that emphasizes the exercise of power as oriented toward public welfare (*maṣlahah*) and substantive justice, rather than mere formal legality.⁴⁴ Accordingly, the effectiveness of neutrality supervision should be understood as a function of the integration between regulatory design, institutional capacity, and the internalization of public ethical values within bureaucratic practice.

From a theoretical standpoint, this study contributes to the literature on electoral governance by positioning *siyāṣah tanfīdhiyyah* not merely as a normative–theological perspective, but as an operational analytical framework for evaluating the performance of supervisory institutions in modern democratic states. Unlike prior studies that tend to situate *fiqh siyāṣah* primarily as a source of moral legitimacy or abstract ethical discourse, this article demonstrates that the principles of trust, justice, accountability, and oversight can be operationalized as evaluative indicators in public policy analysis and regulatory implementation. In doing so, the study bridges the dichotomy between Islamic normative approaches and empirical policy analysis, opening a more productive epistemic integration between Islamic law and governance studies.

Empirically, this article contributes by presenting field-based evidence on how neutrality supervision regulations function at the local level, including institutional dynamics, patterns of inter-agency interaction, and the structural and cultural barriers that affect implementation effectiveness. These findings extend the understanding that challenges to state apparatus neutrality are not merely legalistic in nature, but also institutional and sociological, thereby requiring policy approaches that are more holistic and responsive to local contexts.

Based on the normative synthesis and empirical findings, several interrelated policy implications emerge, particularly concerning the institutional, human, ethical, and contextual dimensions of electoral supervision. First, strengthening the substantive authority of electoral supervisory bodies is imperative, especially in relation to the execution of sanctions or, at a minimum, the binding force of Bawaslu’s recommendations on personnel management authorities, as such harmonization is essential for reinforcing the principle of accountability (*mas’ūliyyah*) and enhancing the corrective capacity of oversight. Second, the capacity of supervisory human resources must be prioritized through the enhancement of technical competencies, the utilization of supervisory technologies, and the development of collaborative networks with civil society, given that adequate institutional capacity constitutes a prerequisite for the effective realization of *al-raqabah* in safeguarding electoral integrity. Third, supervisory strategies should be complemented by educational and cultural approaches aimed at internalizing public ethical values and professional responsibility among state officials, thereby transforming normative dissemination into sustained public ethics education in which neutrality is understood not merely as a legal prohibition but as an integral element of professional identity and the moral trust inherent in public office. Fourth, supervisory policy design must be more sensitive to local socio-political contexts, particularly in regions characterized by strong patron–client relations, requiring uniform national frameworks to

⁴³ Hadiyantina.

⁴⁴ Arake, “Agama Dan Negara Perspektif Fiqh Siyasaḥ.”

be supplemented by adaptive strategies that take into account social structures, political culture, and local power relations, so that supervisory interventions extend beyond formal compliance to effectively address empirical realities on the ground.

Overall, this study affirms that strengthening the neutrality of state apparatus in electoral governance cannot be achieved through a purely legalistic approach. The integration of robust regulatory design, adequate institutional capacity, internalization of public ethical values, and supervision that is responsive to social context constitutes a necessary condition for realizing electoral democracy that is both just and integrity-driven. More broadly, this article demonstrates the contemporary relevance of *siyāsah tanfidhiyyah* as a critical analytical resource in the development of democratic governance within Muslim-majority states.

4. Conclusion

The findings of this study demonstrate that the supervision of neutrality among the State Civil Apparatus (ASN), the Indonesian National Armed Forces (TNI), and the Indonesian National Police (Polri), as regulated under Article 4 of Bawaslu Regulation No. 6 of 2018, has been implemented in West Tulang Bawang Regency in accordance with prevailing normative and procedural standards. The Regency-level Bawaslu has exercised its supervisory mandate through active monitoring, preventive measures, and the handling of alleged neutrality violations. Nevertheless, empirical evidence reveals that such procedural compliance has not translated into full substantive effectiveness. Structural constraints, including limited supervisory human resources, uneven understanding of neutrality boundaries among state officials, and the persistence of strong local socio-political relations, continue to restrict the capacity of supervision to ensure genuinely neutral and integrity-driven bureaucratic behavior.

From the perspective of *siyāsah tanfidhiyyah*, the supervision of state apparatus neutrality constitutes an integral component of the execution of public authority as a trust (*amānah*) that must be exercised in accordance with principles of justice (*al-‘adl*), accountability (*mas’ūliyyah*), and public welfare (*maṣlahah ‘āmmah*). Neutrality is therefore not merely an administrative obligation under positive law, but an ethical and moral responsibility inherent in public office. The study underscores that strengthening neutrality supervision requires a shift from a predominantly legalistic and repressive approach toward a more substantive and integrative strategy, encompassing institutional capacity building, reinforcement of supervisory authority, sustained ethical education, and sensitivity to local socio-political contexts. Such an approach is essential for transforming formal regulatory compliance into internalized ethical governance and for safeguarding the integrity and fairness of electoral democracy in accordance with the normative objectives of *siyāsah tanfidhiyyah*.

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