International Journal of Education, Vocational and Social Science
https://e-journal.citakonsulindo.or.id/index.php/IJEVSS
E-ISSN : 2963 4954
IJEVSS

Legal Review Of The Position And Duties Of The Ethical Council In The Implementation Of Elections (Study on the Election Organizer Honorary Council)

Anggalana[1], Fathul Aziz.[2*]

[1.] Lecturer at the Faculty of Law, *Bandar Lampung University, Lampung, Indonesia.*
[2.] Student of the Faculty of Law, *Bandar Lampung University, Lampung, Indonesia.*

*Corresponding Email: fathulaziz0410@gmail.com

Abstract

The principle of honesty and fairness is the principle of elections which is integrated with the principles of direct, general, free and secret elections after the reforms. The addition of the principle of honesty and fairness as one of the principles in the implementation of democratic elections is not without reason. The principle of "honesty" implies that in the implementation of elections, every party related to the implementation of elections, including election organizers, government officials, election participants, election supervisors, election observers, and voters must behave and act honestly. Referring to the Election Law, the DKPP's decision is final and binding, and the KPU and BAWASLU must monitor its implementation in accordance with Bawaslu's responsibilities. DKPP decisions, functions and locations. The research method uses a normative and empirical juridical approach . The types of data used are secondary data and primary data. Data collection through library research and field research . The data analysis used is qualitative juridical. The results of the study show the position and duties of the Election Organizer Honorary Council as an institution that carries out a blending function between regulatory, administrative and punitive functions that are generally separated, but are appropriately carried out simultaneously by this new institution. Election organizers are treated as an ethics court. Legal settlement of violations of the code of ethics committed by the Election Organizer Honorary Council is final and binding, and the final decision after the DKPP decision comes into effect is decided and announced in the General DKPP General Assembly by providing legal remedies or other legal remedies, meaning nothing. That the decision is immediately binding

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

and implemented. Therefore, all state and judicial administrators and DKPP decisions must be implemented correctly.

Keywords: Position and Duties, Election Organizer Honorary Council; Code of Ethics.

INTRODUCTION

The Indonesian Election Organizers Honorary Council (DKPP RI), established in 2008 as an ethics institution, is legally mandated by Law Number 22 of 2007 in *conjunction with* Law Number 7 of 2017 (the Election Law) concerning Election Organizers . Initially, this legal institution (DKPP) was established to resolve issues related to ethical code violations committed by Election Organizers.

Elections are the realization of the people's sovereignty to produce a democratic government based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Democratic standards of elections require the implementation of elections with integrity, where one of these standards is the Election Organizers who also have integrity. [1]Etymologically, "democracy" consists of two words derived from Greek, namely " *demos* " which means people, and " *kratos/cratein* " which means government. The DKPP is an [2]important part to ensure that the Indonesian Election is a dignified Election, because it is not only based on *the rule of law,* but more on ethically *justified* which is justified according to the highest values in the positive law that applies in Indonesia.

Elections are essentially a system for selecting public officials that is widely used by countries in the world with democratic systems of government. For a number of countries that implement or claim to be democracies (with popular sovereignty), elections are considered a symbol and the primary and primary benchmark of democracy. The adoption of a democratic system for the Indonesian nation is outlined in the fourth paragraph of the preamble to the 1945 Constitution, which states that Indonesian National Independence is established within the "State Structure of the Republic of Indonesia with popular sovereignty" in a "Constitution of the Republic of Indonesia." This statement also serves as an affirmation that democracy is embraced in

[1]Mudiyati Rahmatunnisa. 2017. *Why is Election Integrity Important?.* Bawaslu Journal, Volume 3, Number 1, p. 9.

[2]Didik Sukriono. 2009. *Developing a General Election System in Indonesia* . Constitutional Journal, Volume 2, Number 1, p. 15.

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

conjunction with the principles of a constitutional state.[3] Elections are merely a five-yearly political ritual full of authoritarian political engineering reflected in the laws governing elections (electoral laws) and in the election implementation process (electoral process), so that what actually happens is not an election in the true sense, but rather a "pretend election" whose results can already be predicted, namely simply to perpetuate power.[4]

The realization of the people's sovereignty is carried out through direct elections as a means for the people to elect their representatives who will carry out the function of carrying out supervision, channeling the people's political aspirations, making laws as a basis for all parties of the Unitary State of the Republic of Indonesia in carrying out their respective functions, and formulating revenue and expenditure budgets to finance the implementation of these functions.[5] As a country that adheres to democracy as stipulated in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, Indonesia also applies elections as a mechanism for the transition of power. This can be seen in the articles of the 1945 Constitution of the Republic of Indonesia, including Article 6A which regulates the direct election of the President and Vice President, Article 18 Paragraphs (3) and (4) which regulate the election of the Provincial and Regency/City DPRD, as well as the election of Governors, Regents, and Mayors. The affirmation of democracy can also be seen in Article 19 Paragraph (3) of the 1945 Constitution which regulates the general election of DPR members and Article 22C Paragraph (1) general election for DPD members.[6]

Based on the 1945 Constitution, general elections are based on the principles of direct, general, free and secret, honest and fair. Under the 1945 Constitution, parliamentary elections are held by the General Elections Commission (KPU), the national body that organizes permanent, independent, and national elections in Indonesia. Elections can be considered aspirational and democratic if several requirements are met, namely: *First,* elections must be competitive, meaning they must be free and autonomous. *Second,* elections must be held periodically, meaning they must be held regularly at clearly defined intervals. *Third,* elections must be inclusive, meaning

[3]Jenedri M. Gaffar. 2012. *Constitutional Democracy: (Indonesian State Administration Practices After the Amendment to the 1945 Constitution*). Constitution Press, Jakarta, p. 45

[4]Prihatmoko et al. 2008. *Winning Elections Amidst Party Oligarchy* . Pustaka Pelajar, Yogyakarta, p. 5

[5] Anggalana. 2022. *Implementation of Law Enforcement Against State Civil Apparatus Who Commit Violations in Regional Head Elections* . *Japhtn-Han* , *1* (2). pp . 265-266.

[6]The use of the phrase UUD NRI 1945 to indicate that what is meant is the Constitution after the amendment, further see Xavier Nugraha, et al. 2019. *Reconstruction of the Minimum Age Limit for Marriage as a Form of Legal Protection for Women (Analysis of Constitutional Court Decision No. 22/Puu-Xv/2017* , Lex Scientia, Volume 3, Number 3, p. 41)

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

all groups in society must have an equal opportunity to participate. *Fourth,* voters must be given the freedom to consider and discuss their alternative choices in a free atmosphere, without pressure, and with access to broad information. *Fifth,* the organizers of the general election are impartial and independent. [7]Each candidate must prepare themselves in carrying out online campaign innovations, the possibility of campaigns through online applications or mass media can be an aspiration by regional head candidates in the future to reduce campaigns by gathering masses, rather than gathering a lot of masses and regional head candidates only narrating on stage and not being heard by some of the supporters of the masses, but the negative thing is that regional head candidates cannot directly listen to the aspirations of the people in an area that is targeted for the campaign.[8]

In order to ensure that the elections held truly reflect the will of the people in a substantial manner, the principles of elections are regulated in Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The principles are direct, general, free, secret, honest, and fair. This is also emphasized by the Constitutional Court, as *the sole interpreter of constitution,* [9]for example in the Constitutional Court Decision Number 14/PUU-XI/2013, where in its legal considerations, the Constitutional Court emphasized that: "The constitutional norm means that general elections are held directly, generally, freely, secretly, honestly, and fairly every five years, which is mandated..." From the Constitutional Court's decision, it can be seen that the requirements for a democratic election in substance, according to the Constitutional Court, must be implemented based on these six principles.

In order to realize substantially democratic elections, Indonesian legal policy places the KPU, Bawaslu, and DKPP as a single institution that carries out permanent election administration, as regulated in the Election Law.[10] The principle of honesty and fairness is the principle of elections

[7]Wicipto Setiadi. 2008. *The Role of Political Parties in Organizing Aspirational and Democratic Elections* . Journal of Legislation, Vol. 5 Number 1, Directorate General of Legislation, Ministry of Law and Human Rights of the Republic of Indonesia, p. 29

[8]Marpaung, LA, Baharudin, B., Anggalana, A., & Affandi, M. 2021. *Analysis of the Implementation of Regional Head Elections During the Covid-19 Pandemic Based on Law Number 6 of 2020 Concerning the Determination of Government Regulation in Lieu of Law Number 2 of 2020 Concerning the Third Amendment to Law Number 1 of 2020.* Face *of Law* , *5* (1), 30. p . 36

[9]The Constitutional Court as the sole interpreter of the constitution means that the Constitutional Court is the sole interpreter of the constitution. For further information, see Nanang Sri Darmadi. 2015. *The Position and Authority of the Constitutional Court in the Indonesian Constitutional Law System* . Journal of Legal Reform, Volume 2, Number 2, p. 265

[10]Dewi Haryanti. 2015. *Legal Construction of General Election Organizing Institutions in Indonesia Reviewed from the Sutefnbau Theory, Journal of Legal Reform* . Volume II, Number 2, p. 270

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

which is integrated with the principles of direct, general, free and secret elections after the reforms.[11] The inclusion of the principle of honesty and fairness as one of the principles of democratic election administration is not without reason. The principle of "honesty" implies that in the conduct of elections, every party involved, including election organizers, government officials, election participants, election supervisors, election observers, and voters, must act and behave honestly.[12] Referring to the Election Law, the DKPP's decision is final and binding, and the KPU and BAWASLU must monitor its implementation in accordance with Bawaslu's responsibilities. DKPP decisions, functions and locations.

According to the Tupoksi, the details of the nine functions are the main tasks and functions of the DKPP which are also called the law enforcement function of the DKPP. [13]Article 110 (1) of the Election Law explains that the DKPP organizes and establishes a code of ethics to protect KPU members, provincial KPU members, regent KPU members, PPK, PPS, KPPS, PPLN and KPPSLN as well as Bawaslu, Provincial Bawaslu, City/District Panwaslu, Sub-district Panwaslu, On-site Election Supervisors and Foreign Election Supervisors (Overseas). Specifically, the DKPP has received training to examine, process, and determine complaints or reports of alleged violations of the Code of Ethics by KPU members, Bawaslu members, and their employees. The public hopes that through the DKPP, the election process can proceed smoothly without violating the ethical guidelines set by the election organizers (the General Elections Commission, the Elections Supervisory Agency (BAWASLU), and their staff. In accordance with the function of the Indonesian Constitution, the democratic process in Indonesia is running smoothly.[14]

Robert Dahl in Liando provides steps that must be taken to ensure that elections take place democratically. Include it first. This means that all adults must participate in elections. Second, equal voting rights. All votes have equal rights . Third, effective participation. In other words, everyone is free to express their decisions. Fourth, a deep understanding is an accurate representation of one's policy preferences, and everyone has a strong understanding and the ability to make their own choices. Fifth, elections are considered democratic if they can direct or

[11]Sun Fatayati. 2017. *The Relevance of Election Principles as an Effort to Create Democratic and Integrity-Based Elections* . Tribakti Journal, Volume 28, Number 1, p. 148

[12]Arifudin. 2017. *Regional Head Elections as a Form of Implementation of People's Sovereignty* . Bawaslu Journal, Volume 3, Number 3, p. 397

[13]Jimly Asshiddiqie. Outlook. 2016. *Reflections and Projections* , Election Organizer Honorary Council, Jakarta, p. 3.

[14]Riski Hidayah. 2015. *Thesis on the Position of the Election Organizing Council Based on the Function of Constitutional Law* . (Yogyakarta PGRI Yogyakarta University)

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

monitor the electoral process.[15]

With the amendments to the 1945 Constitution, Indonesia effectively laid the foundation for democratic governance through a constitution that provides for democratic general elections. As stated in Article 22 Paragraph 1 of the 1945 Constitution, "General elections are held directly. This condition also guarantees that elections will be held every five years, as well as universal and free procedures. It guarantees the process, mechanism, and quality of implementation, and states that "elections are held by a national, permanent, and independent election committee." Follow-up is regulated in Article 2 of the 1945 Constitution, followed by the Election Law.[16]

To ensure the independence, completeness, and credibility of election organizers, the Elections Supervisory Board (DKPP) applies the principles of independence, honesty, and impartiality as stipulated in Article 2 of the Election Law, as well as legal certainty, order, prioritizing the public interest, transparency, and proportionality. Since its inauguration on June 12, 2012, the DKPP's role has been crucial, including its contribution to the implementation of the Election Organizer Code of Ethics. Many political parties are considering expanding their powers, even under the controversial DKPP decision. Elections or elections should be conducted in accordance with statutory regulations or based on established procedures or mechanisms [17].

An example of a case of Code of Ethics Violation by Election Organizers is the DKPP imposing a warning sanction on the first defendant Rahmat Bagja in case number 114-PKE-DKPP/IX/2023 or case number 121-PKE-DKPP/IX/2023 as chairman and member of the General Elections Supervisory Body because it was proven to have violated the code of ethics and code of conduct for election organizers. This was proven to violate Article 6 paragraph (3) letter f, Article 11 letter c, and Article 15 letter f and Article 17 letter a of DKPP Regulation Number 2 of 2017 concerning the Code of Ethics and Code of Conduct for Election Organizers. The Chairman of Bawaslu was said to have changed the Bawaslu/Panwaslih Regency/City selection schedule four times. *First,* changing the selection schedule by extending the registration period from June 13-15, 2023 to June 13-21, 2023. *Second,* arranging changes to the schedule for the announcement

---

[15] Liando . 2016. *Elections and Public Political Participation (Study on the Election of Legislative Members and the Election of President and Vice President Candidates in Minahasa Regency in 2014)* , LPPM Journal of EcoSocialBudKum Volume 3 Number 2 , p. 16.

[16] Indah Satria and Reno Sunarya Pratama. 2022. *Implementation Analysis of Government Regulation in Lieu of Law Number 2 of 2020 Concerning The Election of Governor, Mayor and Regent in the Central Pandemic Coronavirus Disease 2019* , Pranata Hukum, Volume 17 Issue 1, p. 83.

[17] A. Hidayat. 2020. *Benefits of Election Implementation for Public Welfare* , Politicon, Journal of Political Science, 2(1), pp. 61–74.

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

of those who passed the written test and psychological test from July 10-11, 2023 to July 10-13, 2023. Then, the implementation of the health test from July 12-14, 2023 to July 14-18, 2023. *Third,* changing the schedule for the announcement of the elected candidate members and the inauguration of Bawaslu or Election Supervisory Committee (Panwaslih) members for the Regency/City from August 12, 2023 to August 14, 2023. *Fourth,* changing the schedule for the elected members and the inauguration of Bawaslu/Panwaslih members for the Regency/City to August 16-20, even though the term of office of Bawaslu/Panwaslih members for the Regency/City period 2018-2023 is August 14, 2023.

Meanwhile, Bagja selected and appointed Bawaslu members on August 18, 2023, and carried out the inauguration on October 19, 2023. The Elections Supervisory Agency (DKPP) believes the defendants' actions in changing the schedule four times are legally and ethically unjustifiable. The DKPP assessed that Bagja had been proven to have inconsistently implemented the stages according to the specified schedule, resulting in legal uncertainty regarding the selection process. Furthermore, the DKPP stated that Bagja's four changes constituted carelessness and unprofessionalism in planning the selection of candidates for Bawaslu or Panwaslih Regency/City members.

The general election organizing institution or election is a unified function of organizing elections to elect members of the People's Representative Council, members of the Regional Representative Council, and the President and Vice President, in accordance with the provisions of Law Number 15 of 2011 concerning General Election Organizers. There are three election organizing institutions according to Law Number 7 of 2017 concerning Elections, including: (1) General Election Commission (KPU), KPU organizes elections nationally for all regions of Indonesia. Then, the implementation of elections in provincial areas is carried out by the Provincial KPU; (2) Election Supervisory Body (Bawaslu) is tasked with supervising the course of elections throughout Indonesia. In carrying out its duties as Bawaslu, this institution has 5 members. Election supervision is carried out in every region in Indonesia, down to the sub-district level; and (3) the Election Organizer Honorary Council (DKPP), which is tasked with handling violations that occur during the implementation of the election. The DKPP is permanent and located in the nation's capital . In carrying out its duties, the DKPP is assisted by 7 members who must consist of representatives from the KPU, Bawaslu, and the government.[18]

[18]Muhadam Labolo and Teguh Ilham. 2018. *Political Parties and the General Election System in Indonesia* , Rajawali Pers, Jakarta, p. 45.

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

If implemented in a manner inconsistent with statutory regulations, *public distrust* of the election results can result, and substantive democracy can be said to have failed. To prevent this, administrative law enforcement, specifically ensuring adherence to procedures and mechanisms, must be strictly adhered to. Violations must be handled with integrity, accountability, and quality. However, various obstacles are encountered in handling administrative violations of elections. Therefore, it is necessary to make a comparison between the handling of administrative violations in the election regime and the handling of administrative violations in the general election regime and to make a legal analysis of the aspects of handling administrative violations to obtain a more effective and efficient concept or form of handling administrative violations.[19]

RESEARCH METHODS

The research method uses a normative and empirical juridical approach. The types of data used are secondary data and primary data. Data collection through library *research* and field *research* . The data analysis used is qualitative juridical.

DISCUSSION

Position and Duties of the Election Organizer Honorary Council

The General Election Honorary Council (DKPP) is an organization that aims to maintain the independence, integrity, and trustworthiness of the KPU and Bawaslu so that the election can be portrayed well and accurately. Article 110 (1) Accurate No. 15 of 2011. As a result, the DKPP is trained to handle allegations or reports of violations of the Code of Ethics by election organizers, KPU members, KPU, PPK/PPS members of the KPU Government. Members, PPS-Members to examine and determine. PPF Members, PPL Members, PPL Members, PPL Members, PPL Members, PPL Members, PPL Members, KPP Members, KPSPLN Members, Bawalu Members, State/City Panwaslu Members, District Panwas Members, Field Pilkada Members, and General Election Members and Members.

The results of an interview with Muhammad Tio Aliansyah as a member of the Indonesian DKPP Council stated that the idea of establishing the DKPP body was based on the importance of enforcing the Code of Ethics for election organizers. The Election Committee is not only bound by legal regulations but also by ethical principles in carrying out its duties and powers. Therefore, upholding ethics is as important as upholding the law, especially since campaigners are one of the

[19]Kamalatuzzahroh, A. 2018. *Comparison of the Rule of Law Concept in Sustainable Development Goals (SDGs) Point 16 and the Concept of Islamic Nomocracy* . p. 4

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

institutions that determine the direction of national democracy.

The results of an interview with Haq Abdul Gani as Head of Public Relations, Data and Information Technology of the Secretariat of the Indonesian DKPP stated that the idea for this DKPP institution training was based on the importance of implementing the Election Participant Code. By carrying out the duties and authority of election organizers, they are not only related to legal regulations, but are also bound by ethical rules. Thus, ethical application is no less important than the application of important laws, especially among election organizers, as one of the institutions that determine the direction of the nation's democracy.

The results of an interview with Wahyu Subrata as Head of the Civil Service and Legal Cooperation Sub-Division of the Indonesian DKPP Secretariat stated that building Ethics in Indonesia, a code of ethics that regulates election laws is not a new thing. From the 2004 to the 2009 elections, it was known as the KPU Honorary Council (DK KPU). The KPU Honorary Council is an ethical body, based on Law No. 22 of 2007 concerning Election Organizers, to resolve violations of the KPU Code of Ethics. However, the KPU's authority is very limited, limited to *ad hoc summons, reviews,* and tests to make recommendations to the KPU. The KPU DK also expressed its positive appreciation for the various achievements that have impacted the wider community, including the government and the DPR. Therefore, the KPU's excellent performance and performance in public production is an important starting point for the birth of the DKPP. Furthermore, after the birth of the Constitutional Court Law Number 11/PUUVIII/2010, which regulates the reinterpretation of Article 22 (5) of the 1945 Constitution of the Republic of Indonesia, which was then enacted by law. In the 15th edition in 2011, the position of the KPU DK was changed to make it stronger. Each institution must be permanent and independent, because the conversion into the new institutional paradigm of institutions such as the KPU, BAWASLU, and DKPP is an integrated selection feature.

The 1945 Constitution Amendment is a constitutional amendment that changes the constitutional structure of Indonesia. Through the organization of all government agencies. According to Isra de Saldi, the Constitution has three main functions, namely: (1) to determine which institutions exist in a country; (2) Explain the relationship, power and interaction between government agencies. (3) Explain the relationship between the state and its citizens. In addition to aiming to regulate the balance between state institutions (cheek and balance). The Constitution also provides for the formation of supporting state institutions designated as additional political or constitutional members. This theory is based on the *trias politica system* or in the development of modern nations. *Montesquieu's* version of the distribution of legislative, executive and judicial

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

versions is no longer relevant to be applied, because the main organization of the state consists of leadership, laws and the judiciary is impossible to carry out status tasks, so that state institutions are needed. The creation of state institutions is in the context of institutional experiments (institutional experiments) which can be councils (advice), Commissions (Commission), Commissions (Commission), Agencies (Consultation) or Authorities (Authorities).

Regarding the existence of election organizers, Article 22 (5) of the 1945 Constitution states that "general elections are organized by a national election commission which is national, permanent and independent." Election organizers are not explicitly mentioned in the provisions of this article. This provision states that the KPU as the main institution is the KPU. The name of the clause system is not explicitly specified. KPU rules do not have capital letters like MPR, DPR, DPD, President. The independence of election organizers is regulated by law based on Article 22 paragraph (6) of the 1945 Constitution, and members of parliament can be renamed to replace parliamentary elections. meaning Commission. Whatever the name of this institution, the main task it carries out is sometimes called the KPU.

Constitutional Court Amendment 11/PUUVIII/2010 On 22nd 2007 in connection with the opposition to the 1945 Constitution, the Constitutional Court decided the 11th PUUVIII/2010 on 18th March 2010. As independent institutions, the KPU, BAWASLU, and DKPP stated, "To guarantee the implementation of parliamentary elections that are free and judicial, paragraph (5) of the 1945 Constitution states that" general elections are permanent and independent state elections. conducted by the General Elections Commission (KPU). The term "General Elections Commission" in the 1945 Constitution does not refer to the name of the institution, but to the permanent and independent function of organizing national elections. According to the Court, the function of electing the DPR is carried out not only by the General Elections Commission (KPU), but also by the Election Supervisory Body, in this case the General Elections Supervisory Body (BAWASLU). This definition is also in accordance with the provisions of the 1945 Constitution which regulates the existence of an independent election organizing body that organizes elections in accordance with the principles of Luber and Jurdir.

Holding elections without independent supervision endangers the principle of free and fair elections. Therefore, according to the Court, the General Elections Supervisory Agency (BAWASLU) is interpreted as the election organizing body responsible for overseeing the implementation of elections. Therefore, the election function is chosen by the federal parliamentary election organization, in this case the General Elections Commission (KPU), in this case by the General Elections Supervisory Agency (BAWASLU). This makes the guarantee of independence of election

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

organizers realistic and clear. " With the decision of the Constitutional Court, the KPU DKP and BAWASLU institutions as election organizers have the same rights nationally, permanently and independently, as referred to in Article 5 of the 1945 Constitution. On the 15th of the 2011 Election Organizer, DKPP will be domiciled and permanently based in the nation's capital. In addition, DKPP is an institution classified as a state auxiliary body or auxiliary institution, namely state institutions in support. Among many other institutions are also called self-regulatory institutions, independent supervisory bodies or institutions that carry out a mixture of regulatory, administrative and punitive functions that are generally separated, but are precisely carried out simultaneously by this new institution. In the structure of DKPP members, before the decision of the Constitutional Court Number 81 / Puix / 2011, DKPP members numbered 15 (fifteen) people. But the consequence of the decision of the Constitutional Court, finally the initial composition of the initial 15 (fifteen) finally became 7 (seven) people, namely consisting of: 1 (one) element of KPU, 1 (one) Bawaslu element, and 5 (five) community leaders, as explained in Article 109 (4) of Law Number 15 of 2011.

Elections are a manifestation of people's sovereignty and an important prerequisite for democracy. Election. Hereinafter referred to as general elections (Article 7 Paragraph 1 No. 7 of 2017 concerning general elections, elections are a means of people's sovereignty to elect members, president, and vice president). And based on Pancasila and the 1945 Constitution, direct and open elections, confidentiality, honesty, and justice to realize the unitary state of the Republic of Indonesia. The exemplary implementation of parliamentary elections is a logical outcome of the principles of democratization and national life, so that popular sovereignty cannot be separated from parliamentary elections. The national principle states that democracy is a process in which all citizens participate in politics. Therefore, choice, as a concrete form of legal abstraction, has many facets. The route is chosen directly by the president and vice president.

Legally related to general elections in Indonesia, currently Article 2E of the Law

The presence of the DKPP could serve as an attractive model for other authorities to enforce the Code of Ethics towards a more modern Code of Ethics. The DKPP's functional mechanism is designed as an ethical court that applies all modern judicial principles. For example, some important principles practiced in the implementation of the DKPP (Ethics Court) are the principle of " *audi et alteram partem,*" the principles of independence, impartiality, and transparency. By implementing these principles, all parties involved in the case will be tried in an open process where DKPP members act as judges, resolving disputes and mediating disputes to

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

provide a fair solution. In carrying out its mission, the DKPP is obliged to formulate regulations that serve as guidelines for the rules and regulations related to the Code of Ethics for Election Organizers in accordance with Law Number 15 of 2011. This rule then became the Code of Ethics and Regulation of the DKPP Number as the "Important Law" of the KPU, Bawaslu, and DKPP. Guidelines for implementing the Code of Ethics Number 2 for Election Organizers in 2012 as "formal law". The Joint Ordinance regulates the resolution of disputes at the DKPP in connection with court allegations of violations of the Code of Ethics.

Election organizers are treated as an ethics court. In accordance with the general provisions of the KPU, KPU, and Election Organizers, referring to Article 1 (22) of the 2012 Election Organizer Code of Ethics Number 13 of 2012 Number 11 and Number 1. The next Election Organizer of the Government Council, called the DKPP, declared itself responsible for handling violations of ethical guidelines. Election organizers and elections are functions of elections. According to the Election Organizer Code of Conduct, rules and mechanisms for election administration that generally violate regulations include:

a. Administrative verification. The DKPP receives written complaints and/or reports to the DKPP Secretariat to consider the completeness of the complaint management, including: the identity of the reporter and tuberculosis, a description of the reasons for the complaint, and the ethics required for the alleged violation of the Code of Ethics.
b. Verification of materials and case registration. Complaints that pass the administrative audit will be verified through documentation to determine whether they meet the elements of an ethics violation. The complaint will then be resolved. Complaints that have been administratively verified and the verified materials will be recorded in the case register, and a hearing date will be determined.
c. Judgment. In the DKPP hearing, the reporter presents the main points of the report, then presents a defense against the allegations made by the reporter. If necessary, both the reporter and the informed party may provide witness testimony, including expert testimony under oath, as well as testimony from other relevant parties.
d. Plenary session decisions. The DKPP session will evaluate real-life cases, formulate and summarize them, and ultimately reach a verdict.
e. The DKPP's decision was to announce the decision by summoning the informed party and the reporter during the trial.

Ethics is one of the fundamental aspects in the implementation of democratic elections, therefore

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

ethics is an important thing that must be adhered to by election organizers and their ranks, consisting of the KPU and its representatives. For this reason, election organizers can fulfill the expectations of democratic elections by upholding ethical values. On the other hand, election organizers can also prevent democratic elections from being held if they violate ethical values. The realization of popular sovereignty is inseparable from general elections, as elections are the logical outcome of the principle of democracy in a country and its life. The national principle states that democracy is a process in which all citizens participate in politics. Therefore, choice, as a concrete form of legal abstraction, has many facets. The route is chosen directly by the president and vice president.

The DKPP agreement, including a chairman, applies to members and 6 members. The DKPP chairman is elected by DKPP members through parliament, which elects the DKPP chairman. The meeting was led by both older and younger members. The membership or lease period of DKPP is 5 years and ends with the appointment of new DKPP members. All DKPP members from all elements can be exchanged at certain intervals. The appointment of DKPP members who are not members of the KPU and BAWASLU is determined by Executive Order. The chairman of the DKPP is elected by DKPP members through parliament which elects the chairman of the DKPP. The meeting was led by both older and younger members. The term of membership or rental agreement of DKPP is 5 years and ends with the appointment of new DKPP members. All DKPP members from all elements can be exchanged at certain intervals. The appointment of DKPP members who are not members of the KPU and BAWASLU is determined by the rules of procedure. The DKPP has compiled a code of ethics to protect the independence, integrity, and credibility of election organizers or election organizer members. Namely (1) KPU members, (2) state KPU members, (3) agency/city KPU members, (4) PPK members, (5) PPS members, (6) KPPS members, (7) PPLN members, (8) KPPSLN members (9) Bawasul members (10) State Bawasul members (11) Regency/Environmental Bawasul members (12) Sub-district Panwasul members (13) Sub-district/Village Powersul members (14) Overseas Panwasul members, (15) TPS administrators.

The DKPP's authority is only to impose sanctions on elections that violate the Code of Ethics, nothing more. Educational institutions cannot revoke KPU/KPUD decisions. Because DKPP is not a judicial authority. DKPP is only a member of the Honorary Council. They are only interested in moral issues, not legal ones. The law stipulates that the DKPP grants two months for KPU and Bawaslu members to swear in/approve their appointments. DKPPRI has sent home seven people. The seven consist of elements of the Exaltcio KPU. An *ex officio* member from the Bowasl element.

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

And five community leaders. The community leader DKPP members were nominated by the two presidents. Proposed by three people. The DKPP members' tendencies for each element are communicated to the chairman.

Based on the description above, the author's analysis of the position and duties of the Election Organizer Honorary Council is that it is an institution that carries out a blend of regulatory, administrative, and punitive functions, which are generally separated but are appropriately carried out simultaneously by this new institution. Election organizers are treated as an ethics court. The Election Organizer Honorary Council (DKPP) declared itself responsible for handling violations of the election organizers' ethical guidelines according to the Election Organizers' Code of Conduct, rules and mechanisms for organizing elections that violate general rules.

Legal Settlement for Violations of the Code of Ethics Committed by the Election Organizer Honorary Council

Violation of the election code of ethics, namely election behavior that violates election principles, including the principles of independence, honesty, justice, legality, common interest, public, openness, profitability, professionalism and responsibility. DKPP Decision No. 2325/DKPPPKEI/2012 is a DKPP decision, and one of the points of the decision is to conduct a fact check on 18 political parties that did not pass the administrative check without changing the time. This is very controversial. From the selection of steps. The reason for the decision was to ensure fair compensation. The restoration of justice is not carried out by the DKPP, but by other public institutions. The plaintiff must do this without breaking the law. The implementation of the Code of Ethics must not violate the Code of Ethics. One of the principles stipulated in the Election Organizers' Code of Ethics is that all election organizers must carry out their duties according to their authority.

An interview with Muhammad Tio Aliansyah, a member of the Indonesian Elections Commission (DKPP), stated that the DKPP's sole responsibility is to ensure that complaints from election organizers regarding the Code of Ethics are confirmed. The DKPP is authorized to impose one of three sanctions: a written warning, temporary release, or permanent release. According to Executive Order No. 7 of 2017 concerning the selection of FREP members, the DKPP does not have the right to interpret the Constitution or reject the KPU's decision on election results to ensure adequate compensation. The restoration of justice is not carried out by the DKPP, but by other public institutions. The plaintiff must do this without breaking the law. The implementation of the Code of Ethics must not violate the Code of Ethics. One of the principles regulated in the Election

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

Organizers' Code of Ethics is that all election organizers must carry out their duties according to their authority. The DKPP's sole responsibility is to verify complaints from election organizers regarding the Code of Ethics. If so, the DKPP is authorized to impose one of three sanctions: a written warning, temporary release, or permanent release. According to Presidential Decree No. 7 of 2017 concerning Parliamentary Elections, the DKPP does not have the authority to interpret the Constitution or reject the KPU's decision regarding the results of election stages.

The results of an interview with Haq Abdul Gani as Head of Public Relations, Data and Information Technology of the Secretariat of the Indonesian DKPP stated that the reason for the punishment was to ensure proper compensation. The restoration of justice is not carried out by the DKPP, but by other public institutions. Prosecution must be carried out without breaking the law. The implementation of the Code of Ethics must not violate the Code of Ethics. One of the principles stipulated in the Code of Ethics for Election Organizers is: All election organizers are required to carry out their duties within their authority. The DKPP's task is only to investigate complaints from election organizers regarding violations of the code of ethics. Written Warnings, Temporary Exemptions, or Permanent Exemptions if the DKPP is permitted to impose one of the three sanctions. According to Presidential Decree Number 7 of 2017 concerning the DPR Election, the DKPP does not have the right to interpret the Constitution or reject the KPU's decision regarding the results of the election stages.

The results of an interview with Wahyu Subrata as Head of the Personnel and Legal Cooperation Sub-Division of the Secretariat of the Indonesian DKPP stated that the DKPP can impose sanctions on election organizers who are proven to have violated the Code of Ethics. Many complaints of alleged violations of the Election Organizer Code of Ethics at the DKPP, based on a summary of procedures at the DKPP. Election Organizers, Election Participants, Election Organizers, Election Participants based on Article 3 paragraph 4 paragraph (1), (2), and (3) of the 2017 Election Organizer Honorary Council Law concerning the Guidelines for Procedures for the DKPP code of ethics. alleged ethical violations by campaign teams, the general public, voters, and election organizers We handle all reports or written complaints submitted by recommendations. The lawsuit was filed by election organizers acting as members of the KPU, members of Bawasalu and the alleged party who was harmed by his subordinates who allegedly violated the code of ethics of election organizers.

The DKPP's decisions represent a new hope and paradigm for future legal and constitutional life. One form of decision transparency that should be publicly known is the publication of the discourse on new decisions in the Ethics Court. Publication of decisions also

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

aims to provide a broader space for the public to participate in evaluating the resulting decisions. Meanwhile, the DKPP certification analysis will determine the DKPP number. 2325/DKPP PKEI/2012. The DKPP guarantees direct, general, free, secret, honest and fair elections in accordance with Article 22E (5). Article 22E (5) of the 1945 Constitution states that "general elections are held by a permanent and independent general election commission." The term "general election committee" in the 1945 Constitution does not refer to the individual name of a legal entity, but to its role in holding national, permanent, and independent general elections. This construction of the idea is also the official interpretation of Article 22E (5) of the 1945 Constitutional Court, which became the basis for the birth of Law Number 15 of 2011 concerning Election Organizers. The KPU, Bawaslu, and DKPP are all called election organizers and are an integral part of the election function. Under the General Election Commission in the sense of Article 22E (5) of the 1945 Constitution, the KPU, Bawaslu, and DKPP are understood as one unit. Despite their distinct authorities, the potential for disputes is high because the three institutions were established as election administration units. Furthermore, one institution manages the others and carries out all stages of the selection process.

DKPP is known to be an institution established by the Government on June 12, 2012. The existence of the DKPP aims to support the ethics of election organizers. The DKPP is obliged and has the right to receive complaints and/or reports of violations of the Code of Ethics from applicants in accordance with the obligations of Article 7, Article 159 (1) and (2) of the 2017 Election Code of Ethics. Witnesses in the form of written warnings, release or temporary release and/or election organizers. According to the many authorities of the DKPP, this is regulated in Election Law No. 7 of 2017. Currently, the DKPP's authority to organize elections in Indonesia to prevent violations of the Code of Ethics is the government's business and authority. The tasks assigned to the DKPP strengthen the government's authority. According to the legislature, he is responsible for selecting FREP members in accordance with Law No. 7 of 2017. For a decade of elections, the KPU has had a code of ethics as an election organizer. Election organizers. Simply put, the legal process begins with the DKPP's ability to overstep its authority and encroach on the authority of other institutions.

The DKPP also tends to establish itself as a high-level election institution capable of handling all election issues. The DKPP is not legally permitted to evaluate the decisions or policies of the election commission. The DKPP's authority is limited to investigating and determining allegations and/or reports of violations of the Code of Ethics committed by members of the KPU and Bawaslu and their subordinates against general election organizers. In this context, the DKPP

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

decision confirms that the DKPP is legally and conceptually involved in election disputes outside its scope of responsibility. For example, in DKPP Decision No. 2325/DKPP PKEI/2012, the KPU decision includes the following: A review of 18 political parties that failed in the executive elections according to the KPU's scheme.

Election Organizer Honorary Council (DKPP) Application Number 2325/DKPPPKEI/2012 File Number 26/DKPPPKEI/2012, File 055/IP/LDKPP/2012 submitted on October 31, 2012. Submitted on October 29, 2012 with file number 045/IP/L DKPP/2012. In this case, Applicant I, Dr. Muhammad, S.IP., M.Si, is the Chairman and Proposer II of the General Elections Supervisory Body (Bawaslu) of the Republic of Indonesia. In short, Saeed Salahudin is an activist/consultant for the Regional Head Elections of the Indonesian Synergy Association (SIGMA). A democracy complaint has been filed. We will cooperate with the Elections Supervisory Agency (DKPPRI) regarding alleged violations of the code of ethics by seven members of the Indonesian General Elections Commission (KPU). Bawaslu reported the discovery of alleged violations of the Code of Ethics. This means that the Joint Chiefs of Staff and KPU members delayed the publication of the results of the administrative investigation by correcting political parties that allegedly respected and ignored other institutions. Meanwhile, Sarah Hudin, a campaigner for the synergy of the Indonesian Democratic Party (SIGMA), and Petition II, leaders and members of the Republic of Indonesia KPU, said: Experts. The People's Congress of the Republic of Indonesia (KPURI) believes that it is not responsible for the implementation of elections that are inappropriate, unfair, illegal, chaotic, open, and unskilled. The DKPP will conduct a core process based on the contents of the reporter's complaint, hear the opinions of the defendant, witnesses, and officials, and read the verdict on November 27, 2012. As a form of transparency in open decision-making, including the publication of decision-making, which is a form of transparency in decision-making. Publication of decisions also aims to provide wider space for the general public to participate in evaluating the resulting decisions.

Analysis is the authority of the DKPP in determining the number of DKPP. 2325/DKPP PKEI/2012. Guaranteeing direct, general, free, secret, honest and fair general elections in accordance with Article 22E (5). Article 22E (5) of the 1945 Constitution states that "general elections are held by a permanent and independent general election commission". What is meant by the term "General Election Commission" in the 1945 Constitution:

a. The participants, the President of the Republic of Indonesia, and members of the General Elections Commission, violated the election organizers' code of ethics and acted in bad faith,

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

reminding candidates to operate more professionally, transparently, and honestly. They also advocated fair and accountable methods at all stages.

b. Secretary General of the KPU, Deputy Secretary General of the KPU, Head of the Political Party Study Working Group, and Legal Director of the KPU Secretariat and Deputy for Legal Affairs of the KPU Secretariat.

DKPP Decision 2325/DKPPPKEI/2012, read out at the Annual Meeting on November 27, 2012, sparked controversy within the Indonesian government and raised questions among the public. The DKPP issued a decision that exceeded the limits of the permit. The DKPP's decision has an impact on the technical aspects of the parliamentary election stages and exceeds its authority. Only decisions based on alleged violations of the Election Code of Ethics need to be processed.

Based on the description above, according to the author's analysis, legal resolution of violations of the code of ethics committed by the Election Organizer Honorary Council with the mechanism for implementing the resolution of election violations begins with a report from the public to Bawaslu, or findings from Bawaslu itself, then continued with an examination at the Bawaslu City/Regency office. After verification, the report on alleged violations of the code of ethics, a notification of the report status is issued. The report status is issued based on research and examination of the incoming report and the results of the Bawaslu City/Regency study. After an inspection has been carried out and a report status has been issued, the report is forwarded to the DKPP for further inspection. After being examined and verified, the person reported will be tried by the DKPP. After that, a council meeting was held to determine the results of the trial. Then, after the panel meeting was held, the results of the decision from the hearing were announced.

CONCLUSION

Based on the research results and discussion, it can be concluded that:

1. The position and duties of the Election Organizer Honorary Council of the Republic of Indonesia as an institution that carries out the functions of mixing regulatory, administrative and punitive functions which are generally separated, but are appropriately carried out simultaneously by this new institution. Election organizers are treated as an ethics court. The Election Organizer Honorary Council (DKPP) declares itself responsible for handling violations of the election organizer's ethical guidelines according to the Election Organizer's Code of Conduct, rules and mechanisms for organizing elections that violate the rules in general.

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

2. Legal resolution of code of ethics violations committed by the Election Organizer Honorary Council through the election violation resolution mechanism begins with a report from the public to the Election Supervisory Agency (Bawaslu), or findings from the Bawaslu itself, followed by an inspection at the City/Regency Bawaslu office. After verification, the report of alleged code of ethics violations, a report status notification is issued. The report status is issued based on research and examination of the incoming report and the results of the City/Regency Bawaslu review. After the examination and issuance of the report status, the report is forwarded to the DKPP for further examination. After examination and verification, the reported party is tried by the DKPP. After that, a panel meeting is held to determine the outcome of the hearing. Then, after the panel meeting, the decision of the hearing is announced.

REFERENCE

A. Hidayat. 2020. *Benefits of Election Implementation for Community Welfare,* Politicon, Journal of Political Science, 2(1).

Anggalana. 2022. Implementation of Law Enforcement Against State Civil Apparatus Who Commit Violations in Regional Head Elections . Japhtn-Han, 1 (2).

Arifudin. 2017. Regional Head Elections as a Form of Implementation of People's Sovereignty . Bawaslu Journal, Volume 3, Number 3 .

Dewi Haryanti. 2015. Legal Construction of General Election Organizing Institutions in Indonesia Reviewed from the Sutefnbau Theory, Journal of Legal Reform . Volume II, Number 2 .

Didik Sukriono. 2009. Developing a General Election System in Indonesia . Constitutional Journal, Volume 2, Number 1.

Indah Satria and Reno Sunarya Pratama. 2022. Implementation Analysis of Government Regulation in Lieu of Law Number 2 of 2020 Concerning The Election of Governor, Mayor and Regent in the Central Pandemic Coronavirus Disease 2019 , Pranata Hukum, Volume 17 Issue 1.

Jenedri M. Gaffar. 2012. Constitutional Democracy: (Indonesian State Administration Practices after the Amendment to the 1945 Constitution). Constitution Press, Jakarta .

Jimly Asshiddiqie. Outlook. 2016. Reflections and Projections, Election Organizer Honorary Council, Jakarta.

Kamalatuzzahroh, A. 2018. Comparison of the Concept of Rule of Law Sustainable Development Goals (SDGs) Point 16 and the Concept of Islamic Nomocracy .

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License

Liando . 2016. Elections and Public Political Participation (Study on the Election of Legislative Members and the Election of President and Vice President Candidates in Minahasa Regency in 2014), LPPM Journal of EcoSocialBudKum Volume 3 Number 2 .

The Constitutional Court as the sole interpreter of the constitution means that the Constitutional Court is the sole interpreter of the constitution, further see Nanang Sri Darmadi. 2015. The Position and Authority of the Constitutional Court in the Indonesian Constitutional Law System . Journal of Legal Reform, Volume 2, Number 2 .

Marpaung, LA, Baharudin, B., Anggalana, A., & Affandi, M. 2021. Analysis of the Implementation of Regional Head Elections During the Covid-19 Pandemic Based on Law Number 6 of 2020 Concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2020 Concerning the Third Amendment to Law Number 1 of 2020. Face of Law, 5 (1), 30.

Mudiyati Rahmatunnisa. 2017. Why is Election Integrity Important?. Bawaslu Journal, Volume 3, Number 1.

Muhadam Labolo and Teguh Ilham. 2018. Political Parties and the General Election System in Indonesia, Rajawali Pers, Jakarta.

Prihatmoko et al. 2008. Winning Elections Amidst Party Oligarchy . Pustaka Pelajar, Yogyakarta .

Riski Hidayah. 2015. Thesis on the Position of the Election Organizing Council Based on the Function of Constitutional Law . (Yogyakarta PGRI Yogyakarta University) .

Sun Fatayati. 2017. The Relevance of Election Principles as an Effort to Create Democratic and Integrity-Based Elections . Tribakti Journal, Volume 28, Number 1 .

Wicipto Setiadi. 2008. The Role of Political Parties in Organizing Aspirational and Democratic Elections . Journal of Legislation, Vol. 5 Number 1, Directorate General of Legislation, Ministry of Law and Human Rights, Republic of Indonesia .

Xavier Nugraha, et al. 2019. Reconstruction of the Minimum Age Limit for Marriage as a Form of Legal Protection for Women (Analysis of Constitutional Court Decision No. 22/Puu-Xv/2017, Lex Scientia, Volume 3, Number 3).

Copyright at authors some right reserved this work is licensed under a Creative Commons Attribution-Share Alike 4.0 International License