



## The Urgency of Upholding the Election Organizer Code of Ethics in Facing Concurrent General Elections and Concurrent Regional Head National 2024

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### **Abstract**

General election (election) is one method of channeling people's aspirations. Every government that claims to be democratic should be able to organize elections in a democratic manner, because democratic elections are an important pillar in a modern democratic system. In 2024, Indonesia will hold concurrent national elections and regional head elections (pilkada) throughout the territory of the Unitary State of the Republic of Indonesia (NKRI). However, elections and head regional elections has a number of challenges that make this difficult to accomplish. One of them is the ethical problem that must be faced by election organizers. The presence of DKPP as a spearhead in enforcing the code of ethics of election organizers, serves to handle alleged violations of KEPP election organizers in Indonesia. Up until this point, the presence of the DKPP has been critical in realizing the staging of democratic elections, since the adage "no democratic elections without quality organizers" applies perfectly to the current scenario. The formulation of the problem of this research consists of: 1) setting the code of ethics and code of conduct for election organizers, 2) the urgency of enforcing the code of ethics and code of conduct for election organizers, 3) strategies and innovations in enforcing the code of ethics and code of conduct for election organizers. This research was conducted using the juridical-normative research method. Research conducted in a juridical-normative way conceptualizes law as what is written in laws and regulations (law in books) or law as a rule or norm which is a standard of human behavior that is considered appropriate. Primary data in this study were obtained using library research, while secondary data in this study were obtained using field studies. The results of this study indicate that, first, the code of ethics and guidelines for the conduct of election administrators in Indonesia have been regulated in the Election Law and DKPP regulations, both the material ethical substance and the formal ethics. Second, enforcement of KEPP is very important in maintaining the independence, integrity and credibility of election organizers so as to

produce democratic and legitimate elections and head regional elections. Third, there is a need for strategies and innovations for enforcement of KEPP election organizers in the implementation of the 2024 national concurrent elections and head regional elections in the form of optimizing prevention and prosecution, as well as utilizing information and communication technology (ICT) so that it becomes more effective.

**Keywords:** *Code of Ethics; Code of Conduct; General Election; Election Law; Regional Elections*

## **Introduction**

General election is one method of channeling people's aspirations. One mirror of a democratic country is a government that runs the electoral system properly. Every government that claims to be democratic should be able to organize elections in a democratic manner, because democratic elections are an important pillar in a modern democratic system (Asshiddiqie, 2013). As a democratic rule of law, which adheres to the concept of people's sovereignty as well as rule of law (Hutabarat et al., 2022), Indonesia has been committed from the start to holding elections in selecting its leaders, both those who sit in the executive and legislative bodies. According to Jimly Asshiddiqie, the objectives of holding elections are: a) to allow for an orderly and peaceful transition of government leadership, b) to allow for the replacement of officials representing the interests of the people in representative institutions, c) to implement the principle of popular sovereignty, d) to implement the principle of rights citizen rights (Asshiddiqie, 2013).

In 2024 Indonesia will hold concurrent national elections and regional head elections (*pilkada*) throughout the territory of the Unitary State of the Republic of Indonesia (NKRI). National concurrent elections are planned to be held on 14 February 2024 while national concurrent regional elections will be held in November 2024. Apart from being the sixth election after the amendment to the 1945 Constitution, it will also be the second national concurrent election which combines the holding of elections for DPR members, DPD members, President and Deputy The president, members of the Provincial DPRD, and members of the Regency/Municipal DPRD or also known as the “five box” election. The first national concurrent elections in the history of Indonesian electoral democracy, were held on April 17 2019. Meanwhile, the 2024 national concurrent regional elections are the first national concurrent regional elections to elect governors and deputy governors as well as regents and deputy regents or mayors and deputy mayors throughout the Republic of Indonesia.

It is believed by a number of groups that the implementation of concurrent national elections and head regional elections in 2024 will be very complex and dynamic, not even without its pros and cons (Syafuruddin & Hasanah, 2022). The government is committed to ensuring that the 2024 elections are held as scheduled. However, as a form of guarantee, the government also needs to ensure budget support as well as political and security stability (Pradana, 2022). Various obstacles, challenges, and even disturbances are not impossible to occur during the implementation process. However, considering that Indonesia is a constitutional democracy (democratic constitutional state) in the world who have sufficient experience, it is hoped that the 2024 concurrent national elections and head regional elections will be more democratic, with integrity and justice. In order to accomplish this, it is necessary for all parties involved in the election process, from the beginning to the end, such as the organizers, participants, voters, law enforcement officials, the government, and the wider community, to make a commitment, put in a lot of effort, and actively participate in the election process.

It cannot be denied that the existence of election organizers and the role they play is very strategic and significant in determining the success of holding elections and head regional elections. This is true

despite the fact that it is not the intention of any of the stakeholders involved in existing elections to ignore other roles. Election administrators in Indonesia have such enormous responsibilities, powers, and obligations in relation to the governance of elections in the country that no other institution can take their place. Therefore, the presence of quality election organizers, in the sense of having independence, integrity and credibility is absolutely necessary. Indeed, the adage “there is no democratic election without quality organizers” is somewhat applicable to this case.

The existence of an election management body in Indonesia, in the form of “an election commission” is expressly referred to in Article 22E paragraph (5) of the 1945 Constitution after the amendment, which states that “General elections are held by an election commission that is national, permanent and independent.” Apart from that, in Article 1 number 7 of Law Number 7 of 2017 concerning Elections (Election Law), it also stipulates that “Election Organizers are institutions that organize elections consisting of the General Election Commission, the Election Supervisory Board, and the Ethics Council of Organizers. Elections as a unitary function of holding elections are to elect members of the People's Legislative Council, Regional Representatives Council, President and Vice President, and to elect members of the Regional People's Legislative Assembly directly by the people.” Based on these provisions, in Indonesia there are three election management bodies, namely: The General Election Commission (KPU), the Election Supervisory Body (also known as Bawaslu), and the Election Organizer Ethics Council (DKPP).

The three election management bodies, namely the KPU, Bawaslu, and DKPP, are an integral function in the administration of elections that are inseparable and even designed by legislators to complement one another. The function of each institution can be seen from the understanding of KPU, Bawaslu and DKPP as regulated in Article 1 point 8, 17 and 24 of the Election Law. Basically, the KPU's main function is to carry out elections, Bawaslu oversees election administration, and DKPP handles allegations of violations of the election organizers' code of ethics and code of conduct (KEPP).

The Electoral Management Body has a position that is not only strategic in the implementation of democracy, but has a very important position constitutionally because it has what is referred to as constitutional importance, regardless of whether the KPU is regulated explicitly or not in the 1945 Constitution (Asshiddiqie, 2013). The presence of the DKPP as an independent institution is constructed as a “code of ethics court” for election administrators just like the general court. The DKPP judiciary adheres to the principle of “*listen to the other side*” or the principle of maintaining fairness, independence, impartiality and transparency in enforcing the ethical rules or norms that apply to election administrators.

Entering the one-decade (decade) phase of its birth, in practice, the DKPP has transformed into an ethical court that accepts complaints, conducts verification, and holds examination hearings on complaints of alleged violations of the code of ethics committed by election organizers. In carrying out its functions, DKPP experienced various challenges, both in the form of the high number of incoming complaints, which required immediate handling, as well as the existence of lawsuits over the follow-up of DKPP decisions and judicial review regarding the constitutionality of the nature of DKPP decisions.

As stated in the book of 2017-2022 DKPP RI Position Memory, for example, during the period 12 June 2017 – 12 June 2022, DKPP received as many as 1.870 complaints. Of this number, 1.077 complaints reached the stage of delegation of cases for trial. The high number of cases occurred in 2018 and 2019, one of which was because at that time the 2019 concurrent elections were being held (DKPP RI, 2019). The tendency for a high number of complaints to be submitted to DKPP also occurs in the 2024 concurrent elections, which are currently underway. This phenomenon is a challenge in itself for the quality and integrity of Indonesian democracy in the future.

In addition, DKPP also faced challenges in the form of increasingly widespread lawsuits from election organizers sanctioned by DKPP, where the follow-up to DKPP decisions by KPU and Bawaslu, were sued at the State Administrative Court (PTUN). This is inseparable from the results of the material test (*judicial review*) regarding the nature of DKPP decisions which are final and binding in the Constitutional Court (MK), as stated in the Constitutional Court Decision Number 31/PUU-XI/2013 and the Constitutional Court Decision Number 32/PUU-XIX/2021. The two decisions of the Constitutional Court require DKPP to be more careful and prudent in examining and deciding cases of alleged violations of the code of ethics that they are handling. The large number of cases to be tried makes this difficult. The line of pending cases will begin to build up if the queue is not managed effectively.

Apart from the complexity of the problems faced by the DKPP, the presence of the DKPP as one of the election management bodies, in its function to handle alleged violations of the KEPP election organizers in Indonesia, is still urgently needed. With its position and authority, DKPP is expected to be able to uphold the independence, integrity, and credibility of the election management body, so that public trust is built, both in the implementation process and in the election and head regional election results.

The high number of complaints that have been received and the number of violations that have been proven in DKPP examination sessions are important issues to study, both in terms of regulation, the urgency of enforcing the applicable code of ethics, as well as what strategies and innovations should be carried out in dealing with alleged violations of KEPP election organizers, especially in the face of the 2024 concurrent national elections and head regional elections.

### **Research Methods**

According to Soekanto, from the point of view of the objectives of legal research, research methods are divided into two types, namely normative legal research or literature, and sociological or empirical legal research (Soekanto, 2010). The type of research method used in writing this article is juridical-normative legal research. Research conducted in a juridical-normative manner is where law is conceptualized as what is written in laws and regulations (*law in books*) or law is conceptualized as a rule or norm which is a standard of human behavior that is considered appropriate (Amirudin & Asikin, 2004). Normative law includes research on legal principles, legal systematics, level of legal synchronization, legal history, and comparative law (Soekanto, 2010).

The specification of this research is descriptive-analytical based on legal sources or materials from books, journals, and the results of previous research that has been carried out in depth. Descriptive research is research that is intended to provide data that is as precise as possible about humans, conditions or other symptoms (Istanto, 2007). Analysis is carried out by investigating an event or object of research to find out the actual situation, the causes, or the circumstances of the case (Butarbutar, 2018).

The legal material analysis technique used in this research is normative-qualitative. All materials obtained from the results of literature studies, observations, and scientific analysis, are then arranged systematically and arranged into paragraph frameworks that are descriptive-analytic in nature. The results of this research are expected to be an input or recommendation for the KPU, Bawaslu, and DKPP, so that they can carry out their respective roles and functions more optimally, including in preventing and enforcing KEPP election organizers in order to succeed in holding the 2024 national concurrent elections and regional elections.

## ***Result/Finding***

This research is intended to examine three issues, namely: 1) setting the code of ethics and code of conduct for election organizers, 2) the urgency of enforcing the code of ethics and code of conduct for election organizers, and 3) strategy and innovation in enforcing the code of ethics and code of conduct for election organizers. This research will produce the main findings in the form of the urgency and importance of enforcing the code of ethics and guidelines for election organizers as well as strategies and innovations for enforcing the code of ethics and guidelines for election organizers.

## ***Discussion***

### **1. Regulation of KEPP of Election Organizers in Indonesia**

In realizing elections and head regional elections as a means of implementing people's sovereignty in the Indonesian legal state based on Pancasila and the 1945 Constitution, it is necessary to develop electoral governance that is not only fair and democratic, but also with dignity. In addition, it is also able to provide protection for the constitutional rights of citizens. These two elements are essential in order to ensure that the conducting of elections and regional elections not only becomes a practice of procedural democracy, but also a practice of substantive democracy.

One of the important elements in the holding of elections and head regional elections is the election organizers, in the sense of the institutions and personnel contained therein. In order to ensure that the ethics and behavior of election organizers do not deviate from what is proper, it is necessary to regulate the code of ethics and code of conduct for election administrators. The objective is to ensure that members of election organizers are not arbitrary and can be held accountable for all their policies, attitudes, and behavior related to the execution of their duties and responsibilities in holding elections.

Election administrators are an important part of the success of holding elections. The legal framework for elections must oblige election administrators to hold elections independently and fairly, so that the election results are not in doubt because they are carried out by election organizers who are trusted by the public (Tanjung et al., 2021). At this point, in the formation of election laws and regulations, it is necessary to pay attention not only to the regulation of the normative juridical aspects, but also to the ethical and behavioral aspects of election organizers so that they become a unified whole.

In the ethical system of election organizers in Indonesia, regarding the legal framework of DKPP, KEPP of election organizers, as well as procedural guidelines for election organizers' code of ethics, have been regulated in a number of laws and regulations, such as in the Election Law and DKPP regulations. These arrangements, in addition to providing legal certainty and benefits, are also so that in its implementation, electoral justice can be upheld.

In the Election Law, arrangements regarding DKPP are formulated in Chapter II starting from Article 155 to Article 166. In general, the substance of the norms regulated includes: the position of DKPP, DKPP institutions, DKPP membership, duties, powers, and obligations of DKPP, as well as line - outline of the mechanism for the examination session for alleged violations of the code of ethics committed by election organizers.

The details of the DKPP's duties, powers, and obligations are outlined in Article 159 paragraphs (1), (2), and (3) of the Election Law. In detail, the DKPP's responsibilities include the following: a) receiving complaints and/or reports of alleged violations of the code of ethics committed by election

organizers; and b) conducting investigations and verifications, as well as investigating and verifying complaints and/or reports of alleged violations of the code of ethics committed by election organizers.

The DKPP's powers are: a) summon election organizers who are suspected of violating the code of ethics to provide explanations and defense; b) summon reporters, witnesses, and/or other relevant parties for questioning, including documents or other evidence; c) impose sanctions to election organizers who are proven to have violated the code of ethics; and d) decide on violations of the code of ethics.

The duties of the DKPP are: a) implementing the principles of maintaining fairness, independence, impartiality and transparency; b) enforcing ethical rules or norms that apply to election organizers; c) be neutral, passive, and do not take advantage of cases that arise for personal popularity, and d) deliver decisions to related parties to be followed up.

In order to follow up on the provisions of the norms in the Election Law, a number of DKPP regulations were then formed. The intended DKPP regulations are: a) DKPP Regulation Number 2 of 2017 concerning the Code of Ethics and Guidelines for Election Organizers; b) DKPP Regulation Number 3 of 2017 concerning Guidelines for Procedures for the Election Organizer Code of Ethics and its amendments, namely DKPP Regulation Number 2 of 2019 and Regulations DKPP Number 1 of 2021; and c) DKPP Regulation Number 5 of 2017 concerning the Regional Examination Team as amended by DKPP Regulation Number 1 of 2019.

The three DKPP regulations are categorized into two, namely DKPP regulations which regulate material ethics and DKPP regulations which regulate formal ethics. DKPP Regulation Number 2 of 2017 is included in the category of material ethics because it contains substance regarding the code of ethics and code of conduct for election organizers. Meanwhile, DKPP Regulation Number 3 of 2017 and DKPP Regulation Number 5 of 2017 fall into the category of formal ethics because they contain substance regarding procedural guidelines in dealing with alleged violations of the code of ethics and code of conduct by election organizers.

The meaning of the code of ethics for election organizers, the obligations of election organizers, and the purpose of setting the code of ethics for election organizers are regulated in Article 1 point 4, Article 2, and Article 3 of DKPP Regulation Number 2 of 2017. The code of ethics for election organizers is a unity of moral, ethical, and philosophical principles that become a code of conduct for election organizers in the form of obligations or prohibitions, actions and/or remarks that are appropriate or inappropriate to be carried out by election organizers.

The obligation of every election administrator is to work, act, carry out their duties and obligations as election organizers based on the code of ethics and code of conduct of election organizers, as well as oaths/pledges of office. The goal of establishing an election code of ethics is to preserve the integrity, honor, independence, and credibility of election officials.

Regarding the basis of the election organizers' code of ethics, it is regulated in Article 5 paragraph (1) of DKPP Regulation Number 2 of 2017, namely: a) Pancasila and the 1945 Constitution of the Republic of Indonesia; b) Decree of the People's Consultative Assembly Number VI/MPR/2001 regarding the Ethics of National Life; c) oaths/pledges of members as election administrators; d) election principles; and e) election management principles.

Based on Article 4 of DKPP Regulation Number 2 of 2017, the principles of elections consist of direct, public, free, confidential, honest and fair principles. The definition of election principles is not found in DKPP regulations or in the current Election Law. However, it is precisely regulated in Law

Number 12 of 2003 concerning the General Election of Members of the DPR, DPD and DPRD. In the general explanation of this law, the meaning of each election principle is described as follows:

- a. Direct, which means the people as voters have the right to vote directly according to their conscience, without intermediaries;
- b. General, which means all citizens who meet the requirements have the right to take part in elections. Guaranteeing opportunities that apply universally to all citizens, without discrimination based on ethnicity, religion, race, class, gender, region, occupation, and social status;
- c. Free, which means every citizen who has the right to vote is free to make his choice without pressure and coercion from anyone. In exercising their rights, their security is guaranteed, so that they can choose according to their conscience and interests;
- d. Confidential, which means in casting their votes, voters are guaranteed that their choice will not be known by any party and in any way. Voters cast their votes on ballots without being known by anyone else to whom the votes were cast;
- e. Being honest, which means every election administrator, government apparatus, election participant, election supervisor, election observer, voter, and all related parties must behave and act honestly in accordance with laws and regulations;
- f. Fair, which means every voter and election participant gets the same treatment, and is free from fraud by any party.

In Article 6 of the DKPP Regulation Number 2 of 2017, the principles of election management consist of 13 (thirteen) principles, which are then categorized into two, namely: *First*, principles related to the integrity of election organizers consisting of: honest, independent, fair, accountable, and *second*, principles related to the professionalism of election organizers consisting of: legal certainty, accessibility, orderly, open, proportional, professional, effective, efficient and public interest. An explanation of each of these principles is as follows. Whereas in holding elections, election organizers are required to implement the following principles:

- 1) Honest, which means it is based solely on the intention of holding elections in accordance with applicable regulations without any personal, group or group interests;
- 2) Independent, which means free or rejecting interference and influence from anyone who has an interest in the actions, actions, decisions and/or decisions taken;
- 3) Fair, which means election organizers place everything according to their rights and obligations;
- 4) Accountable, which means election organizers carry out their duties, powers and obligations with full responsibility and the results can be accounted for in accordance with statutory provisions;
- 5) Having legal certainty, which means carrying out duties, functions and authorities in accordance with statutory provisions;
- 6) Accessibility, which means the facilities provided by election organizers for persons with disabilities in order to realize equal opportunities;
- 7) Orderly, which means carrying out duties, functions and authorities in accordance with laws and regulations, regularity, harmony and balance;
- 8) Open, which means providing the widest possible access to information to the public in accordance with the method of public information openness;
- 9) Proportional, which means maintaining a balance between personal interests and public interests to realize justice;
- 10) Professional, which means understanding the duties, authorities and obligations supported by expertise on the basis of knowledge, skills and broad insights;
- 11) Effective, which means the elections are carried out according to the planned stages in a timely manner;

- 12) Efficient, which means utilizing resources, facilities and infrastructure in the implementation of elections according to procedures and on target;
- 13) Public interest, which means prioritizing the public interest in an aspirational, accommodative and selective manner.

Article 7 paragraph (1) regulates the oaths/pledges of KPU members, Aceh Provincial KPU/KIP members, Regency/Municipal KPU/KIP members as follows:

“By Allah (God), I swear/promise: That I will fulfill my duties and obligations as a KPU member, Aceh Provincial KPU/KIP member, Regency/City KPU/KIP member to the best of my ability in accordance with the provisions of laws and regulations by guided by Pancasila and the 1945 Constitution of the Republic of Indonesia. Whereas, in carrying out my duties and authority, I will work seriously, honestly, fairly and carefully for the successful election of members of the People's Representative Council, Regional Representative Council and People's Representative Council Regional, presidential and vice-presidential elections, as well as elections for governors, regents and mayors, upholding democracy and justice, and prioritizing the interests of the Unitary State of the Republic of Indonesia rather than personal or group interests”.

Article 7 paragraph (3) stipulates the oaths/pledges of Bawaslu, Provincial Bawaslu, Regency/City Bawaslu, Sub-District Panwaslu, Village Panwaslu, Overseas Election Supervisors, and TPS Supervisors as follows:

“By Allah (God), I swear/promise: That I will fulfill my duties and obligations as a member of Bawaslu, Provincial Bawaslu, Regency/City Bawaslu, District Panwaslu, Village/Sub-District Election Supervisor, Overseas Election Supervisor, Polling Place Supervisor as well as possible in accordance with the provisions of the laws and regulations by referring to Pancasila and the 1945 Constitution of the Republic of Indonesia. That I, in carrying out my duties and authority, will work seriously, honestly, fairly, and carefully for the success of the Member Election The House of Representatives, the Regional Representatives Council, and the Regional People's Legislative Council/Elections for the President and Vice President/election of governors, regents and mayors, upholding democracy and justice, and prioritizing the interests of the Unitary State of the Republic of Indonesia over personal or group interests”.

DKPP has also developed guidelines for the conduct of election organizers to ensure that the thirteen principles can be comprehended and applied. The referred-to code of conduct is comprised of thirteen (13) articles, beginning with Article 8 and ends with Article 20 of DKPP Regulation No. 2 of 2017. Every election organizer must adhere to the specific criteria outlined in each article for each principle of behavior. In order to provide an overview of the code of conduct for election organizers, three examples were provided on this occasion: the concept of independence, the principle of honesty, and the principle of fairness. The summary is as follows:

In carrying out the independent principle, election organizers behave and act, namely: a) neutral or impartial towards political parties, candidates, pairs of candidates and/or election participants; b) reject anything that can have a negative influence on the implementation of their duties and avoid interference other parties; and c) not issuing partisan opinions or statements on problems or issues currently occurring in the election process, etc.

In carrying out the honest principle, election administrators behave and act, namely: a) convey all information conveyed to the public correctly based on data and/or facts; and b) inform the public about certain parts of the information that cannot be fully accounted for in the form of temporary information.



In carrying out the principle of fairness, election organizers behave and act, namely: a) treat equally all candidates, election participants, prospective voters and other parties involved in the election process; b) notify a person or election participant as completely and accurately as possible about the allegations submitted or the decision he imposed; c) guaranteed equal opportunity for the reporter or the reported party in order to resolve the violation or dispute he faced before issuing a decision or decision; and d) hearing all parties with an interest in the case that occurred and considering all the reasons put forward in a fair manner .

Procedures for enforcing the code of ethics for election organizers in Indonesia are regulated in DKPP Regulation Number 3 of 2017 concerning Guidelines for Procedures for the Code of Ethics for Election Organizers. In Articles 2 and 3 of this DKPP regulation, the principle of the code of ethics trial and its scope are regulated. In essence, trials on the code of ethics are held with the principle of being quick, open and simple. Complaints and trials about suspected violations of the code of conduct for election organizers are provided at no cost. Moreover, every election administrator must comply with the code of ethics and enforcement of the code of ethics is carried out by the DKPP.

Based on Article 4 of DKPP regulation No. 3 of 2017, alleged violations of the code of ethics can be submitted to DKPP in the form of a complaint or through a DPR recommendation. Parties that can become complainants are election administrators, election participants, campaign teams, the public, and voters. Meanwhile, the complainants, as stipulated in Article 9 of DKPP Regulation Number 1 of 2021, are election organizers who serve as KPU members and Bawaslu members and their staff, from the central level to the regional level, as well as members of the foreign election committee (PPLN), members of the foreign election supervisory committee (Panwaslu LN) and members of the foreign voting committee group (KPPSLN).

Follow-up on complaints received by DKPP consists of 3 (three) stages, namely: a) the stage of examining complaints. At this stage, administrative verification, material verification, and case registration are carried out; b) the trial stage. At this stage the scheduling, preparation and implementation of the trial is carried out; and c) the stages of determining and reading the decision. As stipulated in Article 13 paragraph (1) and paragraph (2) of DKPP Regulation Number 1 of 2021, DKPP will verify the administration of each complaint received. Administrative verification is a formal check in order to ensure the completeness of complaint requirements.

If the administrative requirements have been met, based on the provisions of Article 17 paragraph (1) and paragraph (2), then proceed with material verification. Material verification is an examination of the evidence and its relevance to the subject of the complaint which leads to an alleged violation of the code of ethics. The aim is to determine the eligibility of the complaint to be heard. If a complaint meets the requirements for administrative and material verification, then it is recorded in the DKPP case registration book. The DKPP then determines the trial schedule. The trial is conducted openly and open to the public, unless a complaint is related to alleged immoral acts committed by the election organizers.

According to Article 37 of the DKPP Regulations, the DKPP's decision consists of 3 (three) types, namely: the complaint cannot be accepted, the defendant is proven to have violated, and the defendant is not proven to have violated. If the DKPP decision states that the defendant violated, DKPP will impose sanctions in the form of: written warning, temporary dismissal, or permanent dismissal. Written warning sanctions consist of: warning, severe warning, final stern warning. Sanctions for permanent dismissal consist of: dismissal from the division coordinator, dismissal from the position of chairman, and permanent dismissal as a member. Conversely, if the DKPP decision states that the complaint is not proven, DKPP rehabilitates the complainant. In the event that the complainant or related

party is proven to have violated the code of ethics during the trial examination, the DKPP may order the ranks of the KPU or Bawaslu to conduct an examination.

## 2. The Urgency of Enforcement of KEPP Election Organizers

After the reformation in May 1998 the awareness towards realizing a cultured democracy was getting higher. Along with the development of the functional ethics stage (*functional ethics*), where the ethical system which since the 20th century began to be positive and codified in the form of a code of ethics, is now starting to really be considered important to be enforced concretely with the support of the institutional infrastructure that upholds it (Imania et al., 2016).

In line with the above thoughts, one of the strategic issues that has received widespread public attention in the 2024 concurrent elections and head regional elections in Indonesia is the issue of ethics and behavior of election administrators. It concerns issues of integrity, independence and credibility of election management body personnel, which will ultimately determine public trust to the election management body as well as to the entire process and results of the election itself.

According to Jimly Asshiddiqie, in the context of holding elections, the integrity of a member of the organizers is the main capital in realizing democratic elections. One of the important tasks and functions of members of election organizers is to map the program and stages of the election so that it can run well as planned. Election organizers should be able to provide legitimacy to the political system and government through the contestation of political parties (Asshiddiqie, 2013).

In practice, as stated by Jimly Asshiddiqie, election management institutions or institutions are often used by political regimes and elites at certain levels to win power struggles. This raises ethical implications for election organizers, namely efforts to take advantage of all the potential for election fraud and ethical violations, to win certain candidates. The practice of money politics and power transactions and even the lure of certain positions to election organizers, before the membership rules were tightened, shows how election organizers freely act in ways that deviate from predetermined rules (Asshiddiqie, 2013).

Maintaining the honor of election organizers is important in realizing good governance. Good government will only be born from the process and results of holding elections that are credible and with integrity. In order to achieve a dignified election, credibility and integrity must be owned by every member of the election organizers because this is an important issue in building public trust (Asshiddiqie, 2015). For this reason, it is very important to enforce KEPP within the KPU and Bawaslu and all of their staff.

Meanwhile, according to Ida Budhiati, maintaining the integrity of election organizers is important, because integrity is a manifestation of the morals of election organizers. As an implementation of upholding integrity, election administrators are faced with enforcing the code of ethics of election administrators. One of the basic principles of ethics and behavior of election organizers is to maintain and maintain neutrality, impartiality and the principles of holding elections that are honest, fair and democratic and not involve or involve personal or family interests in all the implementation of their duties, powers and obligations. Therefore, election administrators must obey and comply with the code of ethics of election administrators (Budhiati, 2018).

To produce democratic elections, it is necessary to have the ability to understand the map of election management, both conceptual and practical operational techniques, of the system of laws and regulations from election organizers, both KPU and Bawaslu at every level (Asshiddiqie, 2015). The ethical behavior of election administrators must reflect personal character, so that in the handling of the

DKPP ethics court, it will be easy to confirm what policies are being implemented in the administration of elections. Election management actors are expected to be truly competent in terms of elections and must personally have high social responsibility. Thus, social capital, or what Seymour Martin Lipset calls the social requisites for democracy, must be possessed by at least one member of the election organizers in order for democratic elections to be implemented (Asshiddiqie, 2013).

Even though awareness of the importance of enforcing the code of ethics and guidelines for the conduct of election administrators in Indonesia has grown and been institutionalized about a decade ago, which was marked by the formation of the DKPP, violations against this are still common. In holding the 2019 concurrent elections, DKPP received 1.027 (one thousand twenty seven) complaints of alleged violations of the code of ethics and code of conduct (KEPP). This number can be divided into two, namely complaints that came in 2018 and 2019, because the 2019 election stages were held in both years. In 2018 there were 521 (five hundred twenty one) complaints and in 2019 there were 509 (five hundred nine) complaints. Of all the complaints that were submitted to DKPP, there were 650 (six hundred and fifty) complaints or around 63.3 percent that deserved to be heard. The complaint involved 2.455 (two thousand four hundred and fifty five) election organizers as defendants (DKPP RI, 2019).

Meanwhile, the number of complaints that came to the special DKPP regarding the 2022 concurrent head regional elections was 354 (three hundred and fifty four). On the other hand, the total number of complaints that came to the DKPP, both related to the 2020 concurrent head regional elections and the 2019 concurrent elections that were submitted to the DKPP in the period January 1 2020 to March 12 2021, amounted to 626 (six hundred and twenty six). Of the total number of complaints, 327 (three hundred twenty seven) or around 52,2 percent were declared ineligible and 299 (two hundred ninety nine) or around 47,8 percent were continued to trial (DKPP RI, 2020).

The three principles of the code of ethics most frequently violated by the defendants in the 2020 concurrent head regional elections are: *First*, governance or professionalism as many as 406 accused parties, *second*, 209 respondents have legal certainty, and third, justice as many as 59 accused parties. Meanwhile, the modes of violations committed by the defendants in the same period were: *First*, unfair treatment as many as 217 accused parties, *second*, negligence in the election process as many as 203 contestants, *third*, did not carry out their duties or authorities as many as 104 accused parties, and fourth, the absence of effective legal remedies as many as 64 accused parties (DKPP RI, 2020).

Furthermore, in facing the 2024 concurrent elections which are currently underway, even though it is only entering the initial stages, namely the stage of determining the political parties participating in the election, the establishment of an organizing body to *this*, and the nomination of individual participants (DPD), but in the period 14 June 2022 – 31 January 2023, the DKPP has received 168 complaints of alleged violations of the KEPP election organizers. Of the 168 complaints received, 162 complaints have been followed up and 2 complaints have not been followed up because they have just arrived at the DKPP (DKPP RI, 2020).

The number of complaints that have been verified by the administration is 162 complaints. The results are: dismissal (stopping) 11 complaints, not fulfilling the requirements (BMS) 78 complaints, fulfilling the requirements (MS) 73 complaints. The number of complaints that have been materially verified is 68 complaints, with details of the results, namely: dismiss (stop) 5 complaints, not fulfilling the requirements (BMS) 10 complaints, fulfilling the requirements (MS) 51 complaints. Of the 51 complaints that met the material requirements (which were later referred to as cases), the details were that as many as 14 cases were still in the filing process and as many as 37 cases had been transferred to the DKPP Trial Section for trial (DKPP RI, 2020).

The number of complaints coming to the DKPP regarding the holding of the 2024 concurrent elections is expected to continue to increase due to a number of very complex and crucial stages such as: determining electoral districts (*dapil*), seat allocation, candidacy, campaigning, voting and counting of votes, recapitulation of results, and determination of candidates selected, not yet implemented. It is not impossible, when these stages have taken place or afterwards, more and more complaints will come to DKPP. This projection is based on experience in holding previous elections in Indonesia.

Learning from experience in holding the 2019 concurrent elections, the 2020 concurrent regional elections, and the 2024 concurrent elections as stated above, it turns out that enforcing the KEPP for election organizers is not an easy thing. DKPP data shows that the number of complaints that are included in every general election and regional head election is still relatively high. The facts show that in carrying out their duties, authorities and obligations as election organizers, the attitudes and behavior of election organizers are often not in accordance with the predetermined code of ethics and code of conduct, so they are reported to the DKPP. To solve these problems, serious and continuous efforts are needed in enforcing KEPP by involving all stakeholders in elections and regional elections.

### 3. KEPP Enforcement Strategy and Innovation in Indonesia

According to Jimly Ashhiddiqie, the ethical system in the postmodern era was developed not only as an abstract system of norms, but also as more concrete norms for the benefit of controlling and directing the behavior of members of a community or organization, towards shared idealized values. Like the stages of development of a system of legal norms, an ethical system also follows a similar, though not the same, path of development (Asshiddiqie, 2015).

When compared with legal norms, ethics is broader than law. Hence, every violation of the law can also be said to be a violation of ethics, but something that violates ethics does not necessarily violate the law. As such, ethics is broader, it can even be understood as the social basis for the functioning of the legal system. If ethics is likened to an ocean, then the ship is law. For this reason, Chief Justice of the United States Earl Warren (1953-1969) once stated that “*law floats in a sea of ethics*”, which means that law floats on an ocean of ethics. Law and justice, it is impossible to be upright, if the ocean of ethics does not flow or does not function properly. As a result, in order for law and justice to be upheld, an ethical society must be built (Asshiddiqie, 2015).

In line with that in mind, it can be said that law enforcement and KEPP in an institution or society do not take place in a vacuum. Indeed, it is related to and strongly influenced by the circumstances surrounding it. Likewise, with the enforcement of KEPP election organizers. The vast ocean of Indonesian people's lives, the dynamics of domestic political developments, are numerous stakeholders involved in the election, as well as the technical complexity of election governance are a number of factors that directly or indirectly affect the effectiveness of KEPP enforcement of election organizers.

Given the complexity of the problems faced, in enforcing KEPP election organizers, new strategies and innovations are needed so that they can run effectively. The following are a number of strategic steps and innovations that need to be carried out, namely:

*First*, prevention. The strategy for preventing violations of KEPP election organizers, among others, is: a) improving the laws and regulations periodically or at any time as needed, so that they can keep up with the times; b) strengthening the capacity of human resources (HR) and institutional capacity of election organizers as a whole sustainable; c) increasing facilities and infrastructure supporting the enforcement of KEPP election organizers; d) increasing internal supervision of election management bodies, so that all internal problems that have the potential to become

violations of KEPP election organizers can be prevented and controlled early; e) increasing coordination and cooperation between institutions election organizers through tripartite forums (KPU, Bawaslu, and DKPP forums), as well as coordination and cooperation between election management bodies with stakeholder others; and f) building a legal and ethical culture in society by involving the active participation of related parties.

*Second*, enforcement. Strategies for prosecuting or enforcing election organizers KEPP violations include: a) providing easy access to information for complainants in submitting their complaints to the DKPP; b) optimizing the facilitation of receiving complaints, carrying out administrative and material verifications, and transferring cases to the trial section on an ongoing basis. professional and timely; and c) carry out examination hearings, read decisions, and convey DKPP decisions to the parties and other related parties, according to the provisions and mechanisms as stipulated in the applicable provisions.

*Third*, innovation. Important innovations include: a) optimizing the use of information and communication technology (ICT); b) developing a legal documentation and information network (JDIH); c) developing the roles and functions of information and documentation management officials (PPID); d) improving public relations services; and e) increasing inter-agency cooperation in order to increase public participation in outreach, prevention, and prosecution of alleged violations of the KEPP election organizers.

Through the strategies and innovations carried out, it is hoped that the enforcement of the KEPP of election organizers in the implementation of the 2024 national concurrent elections and head regional elections will be carried out more effectively. In addition, it is hoped that the two national agendas will be implemented in a democratic, integrity and just manner so as to produce quality leaders and representatives of the people who are trusted by the people.

## ***Conclusions and Recommendations***

Based on the discussion that has been carried out on the three formulations of the problem in this study, it can be concluded as follows:

1. Codes of ethics and guidelines for the conduct of election administrators in Indonesia have been regulated in the Election Law and DKPP regulations, both the material ethical substance and the formal ethics. Both have been regulated quite clearly and adequately.
2. Enforcement KEPP is very important for several reasons, namely: a) to maintain the independence, integrity and credibility of election organizers because it is the main capital in realizing democratic elections; b) to prevent members and election management bodies from being taken advantage of by certain parties in winning elections in ways that deviate from predetermined rules; c) to uphold the honor of election organizers and produce good governance, considering that good governance will only be born from election organizers who are respectable, independent, credible and with integrity; and d) to resolve any complaints of alleged KEPP violations that enter the DKPP in a professional manner, thus public trust in the electoral process and results can be realized.
3. In holding the 2024 concurrent elections and head regional elections, a number of new strategies and innovations are needed in enforcing KEPP so that it can be implemented effectively. Some of them include: a) optimizing prevention; b) increasing professionalism in enforcing KEPP election organizers; and c) innovations such as optimizing the use of ICT, developing JDIH and PPID, improving public relations services and collaboration between institutions.

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