

RESEARCH ARTICLE

Effective Mechanisms for Handling Code of Ethics Violations by Election Organizers

Moch. Syafrudin Dwi Sapto Laxamanahady¹, Moh Ahza Ali Musthofa^{2✉}, M. Herzegovin Laxamana³

¹ Universiti Teknikal Malaysia Melaka, Malaysia

^{2,3} Sebelas Maret Univeristy, Indonesia

✉ ahza.musthofa@student.uns.ac.id

ABSTRACT

Elections are fundamental to democracy, allowing for a leader's free and fair selection. Electoral justice is essential for upholding election integrity by enforcing ethical standards and ensuring the professionalism of election organizers, thereby maintaining public trust and democratic principles. This research examines mechanisms for addressing violations of the electoral code of ethics, covering processes from reporting and investigation to sanctioning and preventive measures. The study utilizes a legal research methodology, employing statute and conceptual approaches. Findings indicate that the DKPP (Dewan Kehormatan Penyelenggara Pemilu) faces several challenges, including its limited presence with an office only in the capital, sanctions that are not sufficiently deterrent, and a small membership of only seven individuals. To improve effectiveness, DKPP needs to enhance human resource training, leverage information technology for better reporting systems, and boost transparency. The establishment of Regional Examination Teams (TPD) has been introduced to accelerate the handling of ethical violations in regional areas. DKPP aims to uphold the integrity and credibility of election organizers, which is crucial for ensuring fair and democratic elections. Raising public awareness about the importance of the code of ethics is also vital to preventing future violations. Despite implementing sanctions such as warnings and suspensions, the effectiveness of these measures remains in question. Strengthening oversight bodies, legal reforms, community engagement, and inter-agency collaboration are necessary to enforce the code of ethics effectively.

Keywords: electoral justice, code of ethics, election integrity

INTRODUCTION

The administration of general elections is a fundamental pillar of democracy (Lampus et al., 2019, p. 1) allowing citizens to freely and fairly elect their leaders. Thus, maintaining integrity in the electoral process is essential, relying heavily on the professionalism and neutrality of election organizers, such as the General Elections Commission (KPU), the Election Supervisory Board (Bawaslu), and the Honorary Council of Election Organizers (DKPP). Article 1, Number 24 of Law No. 7 of 2017 on General Elections (Election Law) states that DKPP, as an election organizer, plays a role in addressing violations of the code

of ethics by election organizers. The presence of DKPP as a high-moral judicial body significantly impacts the conduct of democratic elections. (Wasti et al., 2023, p. 291)

Consequently, the conduct of elections is intertwined with substantial challenges, including the necessity for all organizers to comply with the established code of ethics. Violations of this code by election organizers can undermine the credibility of elections, reduce public trust, and compromise the democratic principles at the core of elections. (Rosnawati, 2022, p. 50) Most ethical violations in election administration are committed by the organizers themselves. (Purnamasari, 2024) These violations not only pertain to the elections but also involve the personal conduct of the organizers, as reflected in their oaths and/or pledges before assuming their duties. (Ramadhan & Kurniawan, 2022, p. 25)

As a step to address these challenges, effective mechanisms are needed to handle ethical violations. These mechanisms must be capable of detecting, investigating, and appropriately sanctioning those who violate the code. Furthermore, these mechanisms should involve various stakeholders, including the public, independent bodies, and law enforcement, to ensure transparency and accountability at every stage. In 2024, with both general and local elections being held simultaneously, there is potential for issues and violations, both in terms of the code of ethics and administrative behavior. (Sandi et al., 2023, p. 538) According to data from the DKPP performance report, over the past 12 years, the DKPP has handled various cases of ethical violations committed by election organizers. From its establishment until December 2023, the DKPP has adjudicated a total of 2,107 cases. The high number of ethical violations often occurs during election years; for example, 333 cases were decided in 2014, and 331 cases were decided in 2019. The types of reported violations include 22 complaints related to election stages and 299 complaints related to non-election stages. The decisions in these cases have included rehabilitation, written warnings, temporary suspensions, permanent dismissals, and determinations concerning six individuals.

This data indicates that election organizers in Indonesia still face significant challenges in maintaining integrity and ethics in the electoral process. This highlights the importance of strengthening the role of the DKPP as part of the election administration by enhancing its authority or role in maintaining independence and integrity. (Puspitasari, 2018, p. 413) The measures taken by the DKPP include various steps of investigation, verification, and enforcement of sanctions to ensure that each violation is dealt with fairly and transparently. Enforcing the code of ethics for election organizers is an embodiment of electoral justice, ensuring fair treatment by election organizers in upholding the electoral process. If a violation occurs, there should be a resolution mechanism under the laws and regulations. (Sardani, 2015, pp. 2–3) According to the 2023 DKPP RI report, the most frequently violated principles of the Code of Ethics for Election Organizers are professionalism, followed by honesty and independence. Adherence to the code of ethics by election organizers ensures the fulfillment of the principles of election administration, namely direct, general, free, secret, honest, and fair, as mandated by Election Law.

There are several discussions regarding the enforcement of the code of ethics by the DKPP. Khoirul Anam focuses on the effectiveness of the mechanisms for enforcing the code of ethics by the DKPP, particularly through written warnings and temporary suspensions, which are seen as obstacles in enforcement due to the limited scope of sanctions. (Anam, 2024, p. 86) Additionally, Rosnawati highlights methods for resolving

ethical violations by the DKPP, mitigating such violations, and the role of the Regional Examination Team (TPD) as part of the dynamics of ethical enforcement in election administration. (Rosnawati, 2022, pp. 48–53)

Lulu Qurrata A'yun focuses on the application of transparency by the DKPP in handling ethical violations by election organizers. She concludes that the DKPP has optimized information openness regarding the conduct of hearings, provided informative access to information, and disclosed the results of ethical hearings. (A'yun et al., 2022, p. 121) Furthermore, Zulfikar highlights the importance of the code of ethics for election organizers as a preventive measure, emphasizing the need to strengthen the enforcement of the code of ethics through support and trust in the DKPP and improving recruitment processes. (Zulfikar, 2023, p. 43) Strengthening the legal status of the DKPP at the statutory level is also highlighted as a step to minimize ethical violations by accommodating the concept of restorative justice in the revision of the Election Law. (Puspitasari, 2018, p. 413).

Based on the above, this article will discuss various important aspects of the mechanisms for handling ethical violations by election organizers, from reporting systems and investigations to the enforcement of sanctions and preventive measures. The aim is to provide a comprehensive guide that can be applied to maintain the integrity and credibility of elections in Indonesia.

METHODS

This writing uses legal research that focuses on law as written regulations applicable in society, utilizing primary and secondary legal materials. (Armia, 2022, p. 11; Irwansyah, 2022, p. 42) To support this research, a statute approach is used to examine regulations related to election administration, specifically the Election Law and the DKPP Law. Additionally, a conceptual approach is applied to explore the values contained in the norms. In data processing, this study uses a qualitative analysis method to process data. Legal materials are collected, categorized, and structured for further analysis to draw conclusions.

RESULTS AND DISCUSSION

3.1 Capacity and Efficiency of the Election Organizer Honorary Council in Handling the Number of Election Organizer Cases

The Election Organizers Honorary Council (DKPP), as an institution tasked with enforcing the code of ethics due to violations by election organizers, faces challenges in handling these violations. As highlighted by Khoirul Anam, issues such as DKPP's position being limited to the capital city and the lack of deterrent effect from the sanctions imposed on violators contribute to inefficiencies in addressing these violations. Despite these challenges, DKPP holds a crucial position in the institutional framework of election administration, as outlined by the Election Law and principles of dignified justice,

particularly in upholding the values of institutional purity in election management. (Prasetyo, 2019, p. 141)

Efforts to achieve professional election administration involve three key aspects: human resources with capabilities related to legal knowledge and democratic morals, an independent institutional design, and adherence to commitment and law as guidelines. Efficiency, as a principle of professionalism for election organizers, requires the optimal use of resources, facilities, and infrastructure by procedures and targeted outcomes. To enhance the handling of violation cases, Regional Examination Teams (TPD) have been established to conduct hearings on allegations of code of ethics violations by regional election organizers. The presence of TPDs aims to expedite the case-handling process and support DKPP in enforcing the code of ethics as mandated by the Election Law, given the disproportion between the number of violations and the seven-member DKPP. To improve DKPP's capacity and efficiency, various measures can be undertaken, including training and capacity development, strengthening regulations and policies, and utilizing information technology.

Article 1, paragraph (1) of DKPP Regulation No. 2 of 2017 states that elections are a means of popular sovereignty for electing members of the People's Representative Council, members of the Regional Representative Council, the President and Vice President, and members of the Regional People's Representative Council. These elections are to be conducted directly, publicly, freely, secretly, honestly, and fairly within the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. From this provision, it can be emphasized that elections are a means for the public to express their rights and duties in the state, thus requiring oversight among election organizers. According to Article 1, paragraph (3) of DKPP Regulation No. 2 of 2017, election organizers are institutions responsible for organizing elections, consisting of the General Election Commission, the Election Supervisory Body, and the Election Organizers Honorary Council (DKPP), which collectively perform the function of organizing elections to elect members of the People's Representative Council, members of the Regional Representative Council, members of the Regional People's Representative Council, the President, and Vice President directly by the people, as well as governors, regents, and mayors democratically.

According to the aforementioned articles, the Election Organizers Honorary Council (DKPP) is an integral part of the election administration system. DKPP is tasked with addressing violations of the code of ethics for election organizers, as outlined in Article 1, paragraph (22) of DKPP Regulation No. 2 of 2017. The regulation of the code of ethics for election organizers is crucial as it directly impacts the quality and integrity of the election process. The purpose of regulating the code of ethics in election administration is to maintain the election organizers' integrity, honor, independence, and credibility. The Code of Ethics for Election Organizers, as stated in Article 1, paragraph (4) of DKPP Regulation No. 3 of 2017, encompasses a set of moral principles, ethics, and philosophy that serve as behavioral guidelines for election organizers, including obligations or prohibitions, actions, and/or statements deemed appropriate or inappropriate.

DKPP notes that allegations of code of ethics violations by election organizers are often due to negligence in the electoral process, failure to implement recommendations from election supervisors, and unfair treatment during the selection process of election

organizers. According to the 2023 DKPP performance report, there were 515 complaints and 134 cases decided, with a breakdown of cases registered in 2022 including 16 cases and 60 complaints, and in 2023, 118 cases were registered with 455 complaints. Data from the DKPP performance report indicates that over the past 12 years, DKPP has handled various cases of code of ethics violations by election organizers. The highest number of cases occurred in 2014, with DKPP handling 333 cases, while in 2019, the number of cases handled was 331. In 2023, DKPP received 299 complaints, with 118 cases decided by the end of the year. (Dewan Kehormatan Penyelenggara Pemilu Republik Indonesia, 2023) The decrease in the number of complaints and violations committed by election organizers further strengthens DKPP's constructive influence in ensuring an integrity-based election process. (Wasti et al., 2023, p. 294)

Based on the data presented above, there are still numerous violations committed by election organizers. Although the Election Organizers Honorary Council (DKPP) has undertaken many efforts to address issues of code of ethics violations in Indonesia, several areas require focused attention. Strategies can be implemented to optimize DKPP's role in handling various cases of code of ethics violations by election organizers. Here are some measures to enhance DKPP's efficiency:

1. Reporting and Complaint System

Establishing a reporting and complaint system is crucial for reporting code of ethics violations, both by the public in general and particularly during election years. Additionally, diversifying reporting channels, both online and offline through the establishment of dedicated posts, can improve accessibility.

2. Capacity and Resource Enhancement

Enhancing resources involves not only human resources but also the tools used to perform duties effectively. Training and development are essential for all election organizing bodies, especially for DKPP employees, as part of efforts to upgrade monitoring and case handling to ensure efficiency. Technology plays a critical role, as modern work increasingly intersects with technological tools, which can support activities through integrated systems for tracking and archiving.

3. Strengthening Transparency and Accountability

Improving transparency and accountability in the election process allows the public to monitor the actions of election organizers as a form of checks and balances, thus preventing abuse of power. Strengthening checks and balances is essential for reinforcing democracy. Additionally, increasing the frequency and quality of public disclosures of research findings and DKPP decisions, as well as enhancing access to the official website, is necessary.

4. Protection from Political Pressure and Strict Regulations

Strengthening DKPP's position in the legislation to ensure its independence in handling cases without political pressure is essential. DKPP deals with ethical issues, which are subjective and could potentially involve political conflicts of interest.

5. Comprehensive Education and Socialization Programs

Beyond internal institutional strengthening, education for external parties, including the general public and other election organizers, is necessary. Public campaigns to raise awareness and encourage reporting of code of ethics violations

should be conducted. The code of ethics serves as a written guideline for election organizers in performing their duties. It is crucial to address issues considered ordinary but actually prohibited by the code.

By implementing these measures, DKPP is expected to manage code of ethics violations more effectively, enhance public trust, and ensure the integrity of the election process in Indonesia. This includes achieving efficiency in handling cases, improving the timeliness and productivity of case management, decision quality, and compliance with decisions.

3.2 Effectiveness of Sanctions Given to Violators of the Code of Ethics in Preventing Future Violations

As the enforcer of the code of ethics for election organizers, the DKPP plays a crucial role in ensuring that the General Elections Commission (KPU) and the Election Supervisory Board (Bawaslu) consistently adhere to the applicable norms and regulations. There are sanctions imposed for non-compliance. The existence of DKPP compels the KPU and Bawaslu to continually enhance their integrity, professionalism, and independence. This aligns with the provisions outlined in the Election Law and DKPP Regulations, which emphasize the importance of independent, professional, and impartial election organizers.

Sanctions for violations of the code of ethics are governed by Article 19 of the Regulation of the Honorary Council for Election Organizers of the Republic of Indonesia No. 4 of 2017 concerning the Code of Ethics and Conduct Guidelines of the Honorary Council for Election Organizers. These sanctions may include written warnings, temporary dismissal, or permanent dismissal. The distribution of ethical violations by election organizers is as follows:

Tabel 1. Types of Sanctions Imposed

No	Year	Rehabilitation	Findings		
			Written Warnings	Temporary Dsimissal	Permanent Dismissal
1	2012	20	18	0	31
2	2013	399	133	14	91
3	2014	627	336	5	188
4	2015	282	122	4	42
5	2016	376	173	3	46
6	2017	276	135	19	50
7	2018	522	632	16	101
8	2019	808	552	4	77
9	2020	452	286	3	41
10	2021	399	210	3	14
11	2022	77	40	6	18
12	2023	251	177	4	10
Total		4.497	2.817	81	709
Note		Respondent	Respondent	Respondent	Respondent

Source: DKPP Performance Report 2023

The DKPP's rulings may result in complaints and/or reports being rejected; the respondent and/or reported being proven to have violated the code, or, if found guilty, facing sanctions such as oral warnings, temporary dismissal, or permanent dismissal. (Suhariyanto, 2023, p. 185) The imposition of sanctions in the context of ethical violations serves to preserve the honor and trust of an institution, involving two components: sanctions aimed at correcting or educating through warnings or reprimands, and severe sanctions intended to maintain the honor or public trust. (Saihu et al., 2015, pp. 181–182)

Imposing sanctions for violations of the code of ethics is crucial for maintaining the integrity of elections, specifically public trust, which is central to the electoral process. It aims to prevent the recurrence of ethical violations, ideally reducing their frequency rather than increasing it, ensuring accountability following legal frameworks, and strengthening democracy. For an effective sanction mechanism, it is necessary to enhance oversight institutions both in terms of human resources and authority, implement legal reforms, increase public participation as a form of oversight and democratic engagement, improve transparency regarding implementation reports and public information, and strengthen inter-agency cooperation in enforcing ethical violations by election organizers. The code of ethics can be described as a set of moral rules related to a profession, job, or specific role, which guides or binds its members concerning values of right and wrong within an organization. It is a written regulatory document used as a tool to evaluate various actions systematically and consciously based on existing moral principles, whenever needed and if deemed deviating from the code of ethics.

Ethics play a vital role in the conduct of elections, ensuring that the democratic process remains smooth and dignified, requiring cooperation from all societal elements. (Feka et al., 2020, p. 123) Philosophically, ethics involves more than just analyzing questions of right and wrong but also exploring concepts of good and evil in human life. The objective is not solely to focus on truth but also the goodness of life. In practice, ethical sanctions can include praise, respect, reprimand, or punishment, which are directly felt within society. Although the Election Law does not explicitly regulate sanctions for violations of the Code of Ethics for Election Organizers, such provisions are detailed in the Regulation of the Honorary Council for Election Organizers (DKPP) No. 2 of 2017. The DKPP has the authority to impose sanctions on election organizers, including written warnings, and temporary and permanent dismissals for those who violate the Code of Ethics.

A code of ethics is a set of moral rules binding the members of a profession, guiding them towards appropriate and correct behavior. This is reflected in the rules and moral principles contained within the code of ethics, which can serve as a standard for evaluating deviations from accepted values. Similarly, the General Election Commission (KPU) the Election Supervisory Agency (Bawaslu), and their subordinate election organizers are expected to act following ethical standards as agreed upon. This code ensures that all members of the institution adhere to the established regulations, thereby maintaining integrity in its implementation. Consequently, consistent and effective regulation and application of the code of ethics are crucial for ensuring the success and integrity of the democratic process in the context of elections.

Article 22 paragraphs (1), (2), and (3) of the Regulation of the Honorary Council for Election Organizers (DKPP) No. 2 of 2017 stipulate that sanctions may include written warnings, temporary suspensions, and permanent dismissals. It can be emphasized that these sanctions may not sufficiently deter violators, as DKPP decisions are final and binding. This finality implies that no further legal action can be taken once DKPP's decisions are rendered in a public plenary session.

CONCLUSION

The DKPP faces several challenges, including its office being located solely in the capital city, insufficient deterrent effect of sanctions, and a limited number of members—only seven. To enhance efficiency and capacity, several measures are needed, such as improving human resources through training, utilizing information technology for reporting systems, and increasing transparency and accountability. The establishment of Regional Examination Teams (TPD) has also been implemented to expedite the handling of ethical violation cases in regional areas. The DKPP aims to maintain the integrity, honor, independence, and credibility of election organizers, which is crucial for ensuring a fair and democratic electoral process under the law. Raising public awareness about the importance of the code of ethics is also necessary to prevent future violations. Sanctions for ethical violations by election organizers include warnings, temporary suspensions, and permanent dismissals. Although the DKPP has imposed these sanctions, their effectiveness in providing a deterrent effect remains questionable. Ethical sanctions aim to uphold integrity and public trust in the electoral process. Therefore, strengthening oversight bodies, legal reforms, increased public participation, and inter-agency cooperation are needed to enforce the code of ethics effectively. The importance of the code of ethics is to guide professional behavior and ensure that election organizers act under applicable norms and regulations.

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