

The enforcement of the Regional House of Representatives in Indonesia: A normative review

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LAW | REVIEW ARTICLE

The enforcement of the Regional House of Representatives in Indonesia: A normative review

Nurul Qamar^{1*}, La Ode Husen¹, Syaharuddin Nawawi¹ and Wahyudin Abd. Wahid²

Abstract: The study aims to analyze the normative perspective of the Honorary Council and the enforcement of the code of ethics for DPRD members in Indonesia. This study uses historical, conceptual, and statutory approaches with a literature study technique. The study results show that the normative perspective of enforcing the code of ethics is understood as enforcing functional ethics. The Honorary Council, as a permanent complementary organ, is responsible for enforcing the code of ethics of DPRD members and carries out examinations, investigations, verifications, and decision-making based on complaints. The Honorary Council's decisions must be based on two legal means of proof, and if the DPRD member is guilty, sanctions are imposed. If not, rehabilitation is provided. Therefore, to strengthen the Honorary Council's enforcement, it is recommended to have more effective regulations, training, and resources. The decision-making process should also be transparent and decisions clearly communicated to increase public trust. These steps will promote ethical conduct among DPRD members and maintain the integrity of the legislative branch.

Subjects: Administrative Law; Constitutional Law; History of the Constitution

Keywords: code of ethics enforcement; DPRD members; Honorary Council; public trust; transparent decision-making



Nurul Qamar

ABOUT THE AUTHORS

Nurul Qamar, La Ode Husen, and Syaharuddin Nawawi are authors and lecturers at the Faculty of Law, Universitas Muslim Indonesia. These three authors have taught, supervised, and graduated numerous Honours, Masters, and Ph.D. students at the university. They collaborated on analyzing and completing this paper based on materials collected by Wahyudin Abd. Wahid.

Wahyudin Abd. Wahid is an author and a student in the Postgraduate Doctoral Program in Legal Studies at Universitas Muslim Indonesia. This paper aligns with Wahid's research interest in enforcing the code of ethics for DPRD members by the Honorary Council in Indonesia. Additionally, Wahid is deeply concerned about promoting ethical behavior among DPRD members and maintaining the integrity of the legislative branch.

PUBLIC INTEREST STATEMENT

This study highlights the importance of enforcing the code of ethics for DPRD members in Indonesia and emphasizes the role of the Honorary Council in this process. By examining existing regulations and the functioning of the Honorary Council, the study reveals a need to strengthen this enforcement mechanism in order to promote ethical conduct and maintain the integrity of the legislative branch.

Recommendations include improving regulations, providing training and resources, increasing transparency in the decision-making process, and ensuring clear communication of decisions to all relevant parties. By addressing these areas, the Honorary Council will be better equipped to build public trust and uphold high ethical standards within the legislative branch.

1. Introduction

Article 1 section (3) of the 1945 Constitution¹ regulates that Indonesia is a law-based state. According to Asshiddiqie (2019), a rule of law state has 13 special features: these include rule of law, equality in law, the principle of legality, limitation of power, independent mixed organs, a free and impartial judiciary, a state administrative court, protection of human rights, being democratic, a means to realize the goals of the state, transparency and social control, and belief in one Almighty God.

Such a concept of the rule of law must ensure that the law itself is established and enforced in accordance with democratic principles (Priebus, 2022). The principles of Indonesian democracy are increasingly felt, along with the return of political elites to carry out the roles and functions of their respective institutions (Kholifah, 2020). The centralization of power that accumulated in administrative organs in the old order has turned into an equal distribution of power through checks and balances between individual institutions, which is also a system of imperial signs (Kosař et al., 2019; Rezah & Sapada, 2023). In the Unitary State of the Republic of Indonesia, the authority that acts as a counterweight to regional government work is the Regional House of Representatives/*Dewan Perwakilan Rakyat Daerah* (hereinafter abbreviated as DPRD) (Alkadri, 2016).

The people's sovereignty system must exist in a country that adheres to the principle of popular sovereignty or democracy. In a democratic government system, people's representation is the most important factor, along with other factors such as the electoral system, equality before the law, freedom of speech, and freedom of association (Glass & Newig, 2019). The democratic system is based on the idea that citizens need to be involved in certain issues in the field of political decision-making, either directly or through representatives elected by delegates (Michels & Binnema, 2018).

The best approach to create a "representative government," in the opinion of political experts, is through a representative system (Nyholm & Haveri, 2009). the position held by a member in a representative body, whether through popular election or appointment A representative relationship is said to exist between the representative and the represented. Representatives are able to carry out a variety of contract-related tasks (Muzakkir et al., 2021).

The DPRD was formed as an institution in the territory of the Unitary Republic of Indonesia domiciled in the province, regency, and municipal areas and which has legislative powers, based on Article 18 section (3) and section (7) of the 1945 Constitution, which regulates that:

(3) The local government of the provinces, regencies and municipalities have Regional House of House of Representatives whose members are elected through general elections. (7) The structure and procedures for administering local government are regulated by law.

Furthermore, the authority of the DPRD is regulated in Law Number 23 of 2014,² which has been amended more than once (Government Regulation in Lieu of Law Number 2 of 2014³ for the first amendment which is enacted with Law Number 2 of 2015⁴; Law Number 9 of 2015⁵ for the second amendment). DPRD is given three functions, as based on Article 96 section (1) juncto Article 149 section (1) of Law Number 23 of 2014 regulates that the DPRD has the function of: forming regional regulations, budget, and oversight. In carrying out these functions, especially the function of forming regional regulations, the DPRD conducts joint discussions with the executive and carries out joint approval of regional regulations between the legislature and the executive in order to create checks and balances in governance.

So in the form of maintaining and developing the basic position and role, the DPRD requires clear and specific regulations that are intended for these institutions as well as in their work interactions with government agencies. In the tradition of regional governance, this standing orders is formulated in Law Number 23 of 2014 and Government Regulation Number 12 of 2018⁶ that apply specifically for the internal affairs of the DPRD. Included in the DPRD standing orders are the limitations on member conditions specifically formulated in the Code of Ethics by its enforcement unit, namely the Honorary Council of DPRD (hereinafter referred to as the Honorary Council or DPRD Honorary Council) (Nurmadiyah, 2016).

In addition, the DPRD has complementary organs that are generally comprised of both permanent and temporary complementary organs. The permanent complementary organs are formed over an extended period of time and continue to perform their functions, while the temporary complementary organs are formed to address a specific problem or case and are dissolved when their responsibilities have been fulfilled (Kurniasih et al., 2023). The distinction between various DPRD complementary organs is based on positions, duties, and responsibilities.

The Honorary Council is established by the DPRD and is a permanent complementary organ. Its purpose is to maintain and uphold the honor and dignity of the DPRD as a representative body for the people. Further, the existence of the Honorary Council is based on Article 110 section (3) juncto Article 163 section (3) of Law Number 23 of 2014, which regulates that: the provisions regarding the formation, composition, duties, and authority of DPRD complementary organs are regulated in the DPRD Regulation on Standing Orders. Thus, the Honorary Council's role in maintaining the dignity of the DPRD is regulated by the DPRD Regulation on Standing Orders. Additionally, the position of the Honorary Council as a DPRD complementary organ is clearly regulated in Law Number 23 of 2014.

The establishment of the Honorary Council is rooted in various forms of public scrutiny or dissatisfaction with the performance and abilities of the DPRD members in fulfilling their duties. The public perceives that the increase in behavior that reflects the negative character of DPRD members, such as corruption, collusion, and nepotism, has caused the public to lose trust or hope in DPRD members who claim to represent the people.

The Local Government authorities and the DPRD maintain a direct relationship. This relationship involves the interaction between the Executive and Legislative Branches of Government at the national and regional levels within the democratically-governed system. The Government adheres to mutually agreed-upon norms, rules, regulations, and directives (Santoso, 2014). The DPRD actively participates in partial and comprehensive efforts to enhance the standard of living in the community and plays a strategic role in these initiatives (Hasmawaty et al., 2022).

Another function of the DPRD is to plan and guide the pursuit of the people's aspirations. The DPRD and Local Government must enhance people's well-being and deliver the best possible services (Saleh & Utomo, 2022). The DPRD complementary organs were established at the start of the term, concurrent with the inauguration of the DPRD members, following guidance from the Minister of Internal Affairs and Legislation (Abdullah, 2010).

The DPRD complementary organs support DPRD members in all policy-making processes. The position of the DPRD complementary organs is subject to technical regulations under applicable legislation (Hermanto & Aryani, 2022). In general, the primary role of the DPRD complementary organs is to symbolically represent the DPRD in interactions with the Executive Branch and other high-level state institutions and to manage the overall institutional administration, which includes chairing meetings and imposing or rehabilitating sanctions. The leadership of the DPRD is a collective and collaborative unit. The Honorary Council is one of the DPRD complementary organs and is tasked with preserving the honor of DPRD members in the pursuit of good and clean governance. The duties of the Honorary Council include:

- (1) Monitor and evaluate the discipline and compliance of DPRD members;
- (2) Investigate if there is a violation of the Code of Ethics that has been committed by DPRD members;
- (3) Conducting investigations on complaints from DPRD leadership, DPRD members, and the public;
- (4) Report the decision based on the results of the investigation.

This provision aims to enhance the function of the DPRD as a representative body for the people and improve its implementation of mutual control and compensation. In carrying out their duties and responsibilities, the Honorary Council oversees the DPRD members in fulfilling their daily obligations, guided by the mutually agreed Code of Ethics or internal regulations, precisely the DPR Regulation Number 1 of 2015⁷ and the DPR Regulation Number 2 of 2015.⁸ The code of ethics is a comprehensive set of written rules based on established moral principles. It can be used as a benchmark for evaluating actions that deviate from these principles. The code of ethics has several objectives, including:

- (1) Explaining funds and assigning responsibilities to institutional clients and society in general;
- (2) Assist professionals in determining what they should do if they face ethical dilemmas in their work;
- (3) Let the profession maintain the reputation (name) and function of the profession in society against the bad behaviour of certain members of the profession;
- (4) Reflecting the moral expectations of the community (for the service of the professional person to society);
- (5) Is the basis for maintaining the behavior and integrity of the profession itself.

Furthermore, Article 56 section (1) of Government Regulation Number 12 of 2018 regulates that the duties of the Honorary Council as follows:

- (a) monitoring and evaluating the discipline and compliance of DPRD members to their oath/pledge and the Code of Ethics;
- (b) examine allegations of violations of the oath/pledge and the Code of Ethics committed by DPRD members;
- (c) conducting investigations, verifications, and clarifications on complaints from the DPRD leadership, DPRD members, and/or the public; and
- (d) reporting the Honorary Council's decision on the results of the investigations, verifications, and clarifications as referred to in point c to the Plenary Session.

The Honorary Council holds power to impose penalties on DPRD members who have been found to have breached the Code of Ethics and/or Standing Orders, as determined by the results of an investigation, verification, and clarification process. The penalties include verbal warning, written warning, removal as a member of the DPRD complementary organs, or removal as a DPRD member under applicable legislation.

The Honorary Council is responsible for upholding integrity and professionalism while investigating, verifying, and clarifying any violations of rules and ethics by DPRD members. Integrity means consistently following ethical principles and values, and upholding this commitment in all circumstances, regardless of temptation or coercion to deviate from these principles. Professionalism involves having the expertise and obligation to perform tasks in an efficient and high-quality manner, with procedures that are easily understood and followed. It is a commitment to the profession (Kusumawati & Syamsuddin, 2018).

The establishment of the Honorary Council serves as a response to public criticism of the poor performance of some DPRD members, such as low attendance and high conflict of interest. As a result, it is recommended that the Honorary Council members consist not only of DPRD members but also outsiders, members of the public, independent political experts, and other relevant parties. The Honorary Council, as a complementary organ of the DPRD, aims to address the issue of reducing violations by DPRD members.

Based on the description above, this study aims to examine and analyze the normative perspective related to the existence of the Honorary Council and the enforcement of the code of ethics for DPRD members in Indonesia.

2. Method

This normative legal study with historical, conceptual, and statute approaches (Qamar & Rezah, 2020). The legal materials used in this study include legislation, books and scientific law articles, and online materials that discuss enforcing the code of ethics for DPRD members. The collection of legal materials was performed using a literature study approach. The collected legal materials are then qualitatively analyzed to describe the problem and answer the research objectives (Sampara & Husen, 2016).

3. Literature review

3.1. Rule of Law

Law is a set of regulations imposed by an authoritative body, such as the Government, or a custom that governs the social conduct within a community and applies to all members of that society (Qamar & Rezah, 2022). Historically, the concept of a law-based state by the rule of law has evolved. It has evolved from the idea of a liberal law state, where the state functions as a night watchman, to a formal rule of law state, to a material rule of law state, to the concept of a welfare state or a state that prioritizes the general welfare.

In modern times, the concept of the rule of law in Continental Europe was developed by Immanuel Kant, Paul Laband, Julius Stahl, Friedrich Fichte, and others using the German term "*rechtsstaat*". On the other hand, in the Anglo-American tradition, A. V. Dicey developed the concept of the law-based state through his work, known as "the rule of law". Stahl (1963) defines the concept of a rule-of-law state, which he calls "*rechtsstaat*", as having four elements: protection of human rights, division of powers, Government based on laws, and state administrative justice. Meanwhile, Dicey (1897) identified three crucial characteristics in every rule of law, which he referred to as the rule of law: the supremacy of law, equality before the law, and due process of the law. These four principles of *rechtsstaat* are combined with the three principles of the rule of law, which characterize the modern rule of law today. The International Commission of Jurists even added the principle of the rule of law to the principle of an impartial and free judiciary: independence and impartiality of the judiciary (Konstadinides, 2019).

3.2. Ethics

Experts' formulation can differentiate the definitions of ethics, behavior, code of ethics or conduct, disciplinary norms, and other terms. The definitions created by experts for these terms also vary greatly. Some experts view them from a philosophical and theological perspective, while others view them from a practical and technical perspective. Sometimes there is also a connection with the concept of ethics-related etiquette (Rezah & Muzakkir, 2021). In summary, apart from all the various meanings, which must be placed in their proper context, the development of the understanding of ethics has undergone a lengthy historical phase. The ethical concept has gone through four stages of development: Theological ethics, Ontological ethics, Positivist ethics, and Functional ethics.

First, Theological Ethics. During the first stage of understanding, all ethical systems stem from religious teachings. All religions have their teachings on good and bad values, attitudes, and behaviors as a way of life for their followers. Thus, ethical teachings revolve around the central messages of a religion's mission. All religious leaders, scholars, priests, and monks know these ethical teachings. Houses of worship are filled with sermons on each religion's moral teachings and religious ethics. For religions with holy books, these books also address ethical questions. As a result, discussions about ethics are often closely tied to religious teachings. In Islam, for example, the Prophet Muhammad stated, "I was not sent as an apostle except to improve human morality." Improving human morality was the primary purpose of Muhammad's prophecy.

Second, Ontological Ethics. During the second stage of development, the ethical system became the subject of study for philosophers and religious scholars. As human philosophy advanced in its discussions of ethical issues and human behavior, ethics became a scientific and philosophical study at this level of development. Ethics, initially only seen as religious teachings, evolved into a science that studies the system of moral teachings.

Third, Positivist Ethics. In subsequent developments, starting in the early 20th century, people began to believe that it was not enough to study and preach ethics in an abstract and general manner but that it should be written in a concrete and operational form. This recognition of the importance of codification can be compared to the historical developments in the legal system during the 10th century under Caliph Harun Al-Rashid or to the positivist philosophy of Auguste Comte in the 18th century, which also influenced the modern understanding of positive law. In this third stage of development, forming a code of ethics system in various professional and public organizations has become idealized. Many social or professional organizations in Indonesia, such as the Indonesian Doctors' Association, have already had a draft of a code of professional ethics for a long time. Today, all political parties also have a code of ethics for their management and membership. Civil servants also have a code of ethics. This period is the level of positivist development of ethics in public life. However, almost all ethical codes are formalities today and have little effect. It is time to develop a new awareness that these ethical codes must be implemented and enforced.

Fourth, Functional Ethics. The final stage in the development of ethical concepts is the "functional stage," which involves recognizing that the code of ethics infrastructure must function effectively in the practice of shared life. As a result, an infrastructure that includes a code of ethics, rules, and enforcement institutions is necessary so that the ethical system can be truly functional. There has been widespread awareness about building this ethical infrastructure within public offices. In 1996, the UN General Assembly recommended that all member countries establish an "ethics infrastructure in public offices," which includes a code of ethics and enforcement agencies. Europe, America, and other countries have developed a code of ethics system and a commission to enforce the code. Indonesia also adopted this idea by forming the Judicial Commission, established in Article 24B of the 1945 Constitution in the context of the Third Amendment to the 1945 Constitution in 2001. At the same time, we also established the DPR Honorary Council, the DPRD Honorary Council, and others to build a state ethics system. In 2001, also enacted the MPR Decision Number VI/MPR/2001 on the Ethics of National Life. However, no institutional code of ethics enforcement mechanisms and infrastructure systems mentioned have been established as an autonomous, open, and fair justice system, as is appropriate for a modern judicial system. Some individuals still believe that ethical issues are personal matters that should not be discussed publicly. As a result, all institutions or assemblies responsible for upholding the code of ethics are considered internal mechanisms within each organization or relevant public positions. They always operate behind closed doors. There needs to be an impartial and transparent mechanism for enforcing ethics.

4. Discussion

This study analyzes the normative perspective of DPRD members' code of ethics upheld by the Honorary Council in the context of ethical violations. In this case, is achieved by analyzing the

indicators of success and examining how the Honorary Council has carried out its duties under the objectives of establishing DPRD complementary organs. Additionally, this study aims to measure and analyze the implementation mechanism and legal authority of the decisions made by the DPRD Honorary Council and to understand their implications on the institution and the fractions and individual members of the DPRD. It is also essential to identify the factors that influence upholding ethics through the resolution of DPRD ethical violations in Indonesia, which is why several DPRD members in Indonesia were selected as the sample for this study.

The process of enforcing legal norms as a guide for behavior in traffic or legal relationships in society and the state is known as law enforcement. From the subject's perspective, law enforcement can be carried out by a wide range of individuals and can also be seen as an effort involving all individuals. Law enforcement aims to make concepts of justice, legal certainty, and social benefits a reality (Nasution et al., 2022).

The definition of law enforcement can also be understood as the enforcement of the law by law enforcement officials and all individuals with a stake in it under their respective authorities and applicable legislation. Criminal law enforcement is a unified process that starts with an investigation, followed by arrest, detention, and trial of the accused, and ends with detention of the convicted (Husein, 1990). According to Soekanto (1985), law enforcement is an activity that reconciles the relationship of values expressed in solid principles and attitudes. It represents the final stages of translating values to create, maintain, and promote social peace.

The normative perspective of this study's code of ethics enforcement focuses on violations of the code of ethics for members of the DPRD that have been reported in print and electronic media. These violations range from minor infractions to serious offenses, including abuse of authority, corruption, and pornography. In this case, the authority and effectiveness of the DPRD Honorary Council must be strengthened and improved to address this problem. The Council must change its approach to addressing alleged ethical deviations by DPRD members by becoming proactive rather than passive. The code of ethics is not just about reporting, whether from the public or other members, but rather encouraging DPRD members to be more professional.

In such situations, the Honorary Council must respond promptly to any actions of DPRD members who are suspected of violating the code of ethics. The proactive function referred to here involves the active role of the DPRD and Honorary Council. For instance, by evaluating the attendance of each DPRD member at meetings, monitoring the legal products produced by the DPRD, and assessing the frequency of meetings held by the DPRD. This action is essential because some members must be present in meetings, including plenary sessions and meetings of commissions, joint commissions, legislation councils, budget commissions, or special commissions. To address this, the Honorary Council must give clear and individual verbal warnings to DPRD members. In addition to evaluating the attendance of DPRD members, the Honorary Council must also assess the frequency of meetings they hold, as a decrease in meeting frequency can lead to a decrease in the quality of legal products produced.

The Honorary Council is a permanent complementary organs made up of DPRD members. Thus there is a correlation between the leadership of the DPRD and the Honorary Council, as based on Article 58 of Government Regulation Number 12 of 2018, which regulates:

- (1) The DPRD leadership, DPRD members, and/or the public submit complaints of alleged violations by DPRD members in writing to the DPRD leadership with a copy to the Honorary Council, along with a clear identity of the complainant and evidence of alleged violations. (2) The DPRD leadership is obliged to forward the complaint as referred to in section (1) to the Honorary Council no later than 7 (seven) days from the date the complaint was received. (3) If, within the period referred to in section (2), the DPRD leadership does not forward the complaint to the Honorary Council, the Honorary Council will follow up on the complaint.

There have been instances in several DPRD institutions across Indonesia where the complaint mechanism for DPRD members is not followed up as outlined. One example is the Honorary Council of the Morowali Regency DPRD, which has handled two cases of ethical code violations by DPRD members. First, on 2 August, an adultery case resulted in an assault committed by the legal wife of a DPRD member against her husband's mistress. The Honorary Council conducted examinations, investigations, verifications, and decision-making in a special session. The Honorary Council forwarded the special session decision to the DPRD leadership; however, the decision was not followed up by the Morowali Regency DPRD leadership.

Subsequently, on 27 March 2021, a DPRD member threatened the Head of the Housing and Settlements Office of Morowali Regency. The Honorary Council did not follow up on the threat case, reasoning that the victim had directly sent a complaint letter to the Morowali Regency DPRD leadership. The leadership then addressed the case without involving the Honorary Council, as the mediation was considered to have resolved the conflict between the DPRD member and the victim.

Observations at the Honorary Council of the Regency DPRD of Morowali show that DPRD members prioritize maintaining the image of their respective factions. According to Goffman (1959) dramaturgical theory, group events like this happen when members support each other and rely on nonverbal cues to direct the team. Each member conceals a secret from the audience to preserve authority. This lack of integrity and professionalism in the Honorary Council negatively impacts the quality of DPRD members' disciplined performance in their duties.

The code of ethics enforcement is still formalistic, with some enforcement agencies failing to carry out their duties effectively. This condition is due to a lack of independence in these agencies, leading to ineffective performance. To address this issue, these agencies must be transformed into independent ethical courts that uphold the principles of justice, such as transparency, independence, and impartiality. This condition will support the development of a healthy democracy based on the rule of law and the rule of ethics. The rule of law operates based on the legal code. In contrast, the rule of ethics operates based on the ethical code and is enforced through an impartial, independent, and open judicial process, such as the court of law for legal matters and the court of ethics for ethical matters.

4.1. Honorary Council

The complementary organs of the DPRD, tasked with overseeing each DPRD member's compliance with the code of ethics, were institutionalized internally and regulated for the first time in Article 98 Section (4) of Law Number 22 of 2003.⁹ The DPRD Honorary Council, based on Law Number 22 of 2003, primarily functions to conduct examinations, investigations, verifications, and decision-making based on complaints from the DPRD leadership, the public, and/or voters regarding violations committed by DPRD members. The violations committed by DPRD members include: being unable to continuously or permanently perform their duties, no longer meeting the requirements for a DPRD candidate as referred to in the Law on General Elections, and is declared to have violated their oath/pledge, the DPRD code of ethics, and/or failing to fulfill their obligations as a DPRD member.

This time, the duties of the DPRD Honorary Council are regulated in Article 56 section (1) of Government Regulation Number 12 of 2018. Further, the decision-making of the Honorary Council is based on the DPRD Standing Orders. The DPRD Standing Orders are regulations that have been mutually agreed upon by the DPRD members themselves. If these regulations are violated, sanctions will be imposed. Hence, the DPRD Standing Orders have coercive, and it is required for every DPRD member to comply with the agreed-upon Standing Orders. Additionally, the DPRD Code of Ethics are norms that all members must abide by while performing their duties, to maintain the dignity, honor, image, and credibility of the DPRD. Etymologically, the term "ethics" comes from the Ancient Greek "ethos" in singular form, which has multiple meanings, such as habit, custom,

character, attitude, and way of thinking. Meanwhile, the plural form “ta etha” in Ancient Greek means “custom”.

Further refining, the Honorary Council responds to public criticism of poor performance by some DPRD members, such as low attendance and high conflict of interest. The Honorary Council conducts investigations, verifications, and decision-making on allegations of violations committed by DPRD members. In the end, the Honorary Council provides a final report in the form of recommendations to the DPRD leadership, which serves as material for consideration in imposing sanctions or rehabilitating the member’s reputation. The DPRD determines the composition and membership of the Honorary Council by considering the balance and distribution of members from each faction at the beginning of the DPRD term and session year.

The Honorary Council comprises three members and is appointed during a plenary session at the start of the DPRD membership period and the start of the session year. The leadership of the Honorary Council operates collectively and collegially, consisting of a chairperson and two deputy chairmen elected by and from its members through a consensus-reaching deliberation process while also considering the proportional representation of women based on the balance of members from each faction.

Further provisions regarding the procedures for DPRD plenary sessions and commission meetings are regulated in Government Regulation Number 12 of 2018. The decision-making process in DPRD meetings takes place through deliberation to reach a consensus. The majority vote determines the outcome of the decision. The Honorary Council carries out its duties and enforces its powers in handling all types of violations committed by DPRD members, including prohibited actions that are mandatory and must not be committed. During trials of alleged violations, the Honorary Council considers these prohibited actions. The Honorary Council sanctions the violations, which can take the form of verbal or written warnings or recommendations for dismissal as a DPRD member, based on the examination, investigation, verification, and clarification results carried out on the concerned DPRD member under applicable legislation.

4.2. Resolution of the DPRD Ethics Violations

Further provisions regarding the procedures for complaints about alleged violations of the code of ethics and/or order by DPRD members are regulated in Regional Government Regulation and DPRD Regulation. The DPRD leadership, DPRD complementary organs, DPRD faction leadership, DPRD members, or the community can submit the complaints. The complaint must be written, signed, accompanied by the complainant’s clear and complete identity, and submitted to the DPRD leadership. The Honorary Council is obligated to maintain the confidentiality of the complainant and, if desired, can request law enforcement to provide security protection.

Further, a complaint about a suspected violation of the code of ethics and/or standing orders by a DPRD member must be transparent and include the complainant’s identity and a description of the defendant’s actions that violate the code of ethics. It must also be accompanied by supporting reasons and evidence. If the complaint does not meet these requirements, the Honorary Council cannot follow up. Incomplete complaints or those without clear identification will be returned to the Chairperson of the Honorary Council.

The Honorary Council is responsible for investigating complaints about violations of the standing orders or code of ethics by the defendant. The Honorary Council must also clarify and verify the allegations in conducting the investigation. The Chairperson of the Honorary Council must respond to complaints by summoning the defendant and imposing sanctions. The sanctions are decided in a session of the Honorary Council, held no later than 30 days after the defendant has received the summons letter.

The Honorary Council conducts a verification process by summoning the defendant to attend a special session. During this session, the defendant can provide their statement and offer proof of their actions regarding the complaints of violating the standing orders, code of ethics, or legislation.

The Honorary Council examines the defendant's testimony by conducting interviews, question and answer sessions in person, or written questions. The examination is impartial and transparent. The Honorary Council must formally summon the complainant, defendant, and witnesses through a letter signed by the DPRD leadership and send to the Honorary Council. If the complainant fails to attend the official summons three times for valid reasons, then the complaint is considered incorrect or nullified. If the Honorary Council investigation finds preliminary evidence of violating the standing orders, code of ethics, or legislation, then the Honorary Council session will proceed.

The Honorary Council session to address allegations of violations of the standing orders, code of ethics, or legislation is held in a meeting. The Honorary Council only convenes if the Chairperson and at least three other members are present. If a member suspected of violating the standing orders, code of ethics, or legislation is being examined, their presence reduces the number of members in the session. The Honorary Council Chairperson chairs the meeting. The Deputy Chairman presides over the session if the Chairperson cannot attend. If the Deputy Chairman cannot attend or is being examined as a defendant, one of the members determined by deliberation chairs the session. The Honorary Council, with the assistance of the Secretariat and the Honorary Council's Expert Team, is required to record the minutes of the examination held in the session.

The Honorary Council holds closed sessions and examines complainants, witnesses, and defendants separately, alternately, and at different times. The defendant's examination occurs after the complainants' examination and witnesses are finished. The session starts with reading the allegations or complaints about violating the standing orders, code of ethics, or legislation. The next step is to gather information from the complainants, witnesses, and defendants during the clarification and verification process. During the session, the complainant can bring witnesses and evidence to support their complaint. Meanwhile, the defendant has the right to be accompanied by a legal advisor and present their witnesses and evidence.

The Honorary Council conducts sessions for a maximum of 90 days to address alleged violations of the standing orders, code of ethics, or legislation. The defendant may attend the session personally or be accompanied by a legal adviser who understands the DPRD's standing orders and code of ethics. The legal adviser must have the defendant's written power of attorney and submit it to the Honorary Council. The defendant has the right to defend himself against allegations by presenting a defense in writing or orally during a session of the Honorary Council. The Honorary Council must consider the defense presented by the defendant or his legal adviser and decide to accept or reject part or all of the defense based on justifiable reasons.

The Honorary Council determines the legality or legal action of the evidence obtained in the session. Decisions on alleged violations of the standing orders or code of ethics must be based on at least two legal means of the proof obtained in the session. After conducting the session, the Honorary Council must make a decision. The session may result in a decision that the defendant is found guilty or not guilty of violating the standing orders or code of ethics. The Honorary Council's decision is based on the outcome of the plenary meeting, and if the deliberation is unsuccessful, it is decided by voting. If the defendant is proven guilty of violating the standing orders or code of ethics, the Honorary Council imposes sanctions determined during the session. If the defendant is not proven guilty, the Honorary Council decides to provide rehabilitation, as determined during the session. The decision of the DPRD Honorary Council announced at the plenary session, is submitted to the complainant, the defendant, the leadership of the faction concerned, and the leadership of the concerned faction, and the leadership of the concerned political party.

5. Conclusions and suggestions

Based on the results and discussion above, it can be concluded that the normative perspective of enforcing the code of ethics of DPRD members in Indonesia has been understood as enforcing functional ethics. The enforcement of the code of ethics of DPRD members has also been regulated in the Regulation of the Executive and Legislative Branches at the national and regional levels: Government Regulation, DPR Regulation, Regional Government Regulation, and DPRD Regulation. The Honorary Council is a permanent complementary organs responsible for enforcing the code of ethics of DPRD members. The Honorary Council has primary functions to conduct examinations, investigations, verifications, and decision-making based on complaints from the DPRD leadership, the public, and/or voters regarding violations committed by DPRD members. The Honorary Council's decision on alleged standing orders or code of ethics violations must be based on at least two legal means of the proof obtained during the session. The Honorary Council imposes sanctions determined during the session if the DPRD member is proven guilty. If the DPRD member is not proven guilty, the Honorary Council decides to provide rehabilitation as determined during the session. The decision of the DPRD Honorary Council announced at the plenary session, is submitted to the complainant, the defendant, the leadership of the concerned faction, and the leadership of the concerned political party.

Based on the description of these conclusions, it is recommended that the Honorary Council be strengthened in its enforcement of the code of ethics of DPRD members. This can be achieved through more effective regulations, training, and resources to ensure that the Honorary Council is able to carry out its primary functions effectively. Additionally, it is recommended that the decision-making process of the Honorary Council be made more transparent and that its decisions be clearly communicated to all relevant parties. This will increase public trust in the Honorary Council and its ability to enforce the code of ethics of DPRD members. By taking these steps, the Honorary Council will be better equipped to promote ethical conduct among DPRD members and maintain the integrity of the legislative branch.

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Notes

1. The 1945 Constitution of the Republic of Indonesia.
2. Law Number 23 of 2014 on Local Government.
3. Government Regulation in Lieu of Law Number 2 of 2014 on Amendment to Law Number 23 of 2014.
4. Law Number 2 of 2015 on Enactment of Government Regulation in Lieu of Law Number 2 of 2014.
5. Law Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014.
6. Government Regulation Number 12 of 2018 on Guidelines for Drafting the Standing Orders of the Provincial, Regency, and Municipal House of Representatives.

7. DPR Regulation Number 1 of 2015 on Code of Ethics for the House of Representatives of the Republic of Indonesia.
8. DPR Regulation Number 2 of 2015 on Procedures for the Honorary Council of the House of Representatives of the Republic of Indonesia.
9. Law Number 22 of 2003 on Structure and Status of the People's Consultative Assembly, the House of Representatives, the Regional Representatives Council, and the Regional House of Representatives.

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