

Code of Ethics for Organizers of Simultaneous General Elections in 2019

Idham^{1*} Martina Male¹

¹*Sang Bumi Ruwa Jurai University, Lampung, Indonesia*

^{*}*Corresponding author. Email: idhamsaburai@gmail.com*

ABSTRACT

Law is a unitary system consisting of institutional elements, legal principles and behavior of legal subjects who carry the rights and obligations determined by the norms of the rule. As a support for the functioning of the legal system, an ethical system in state institutions that is positively enforced is needed in the form of a code of ethics in the public sectors, where every state and government sector always has rules and guidelines for the organization and work procedures that are internal, such as those conducted by the Election Organizers Honor Board (DKPP). Pancasila and the 1945 Constitution as well as sources of constitutional law are also seen as a source of ethics for the organizers of simultaneous elections in 2019, and based on this basis it is expected to improve the negative code of ethics system into a positive code of ethics in every election organizer in Indonesia. The purpose of this study is to provide an understanding of the electoral code of ethics system in Indonesia. This research is normative legal research, with secondary data as the main data. The research method used is literature study, by examining secondary data collected. The results of this study are Pancasila and the 1945 Constitution are seen as a source of ethics for the organizers of simultaneous elections in 2019 which can improve the electoral code of ethics system by making the ideas, principles and values contained in the points of the Pancasila formula and the 1945 Constitution as a reference.

Keywords: *law, code of ethics, KPU, DKPP*

1. INTRODUCTION

The State of Indonesia is a rule of law based on the fourth amendment to the 1945 Constitution Article 1 paragraph (3), therefore law should be understood and developed as a unitary system consisting of institutional elements (institutional elements), legal elements (instrumental elements) and the behavioral elements of legal subjects who bear the rights and obligations determined by the norms of the rules (subjective and cultural elements).

As a support for the functioning of the legal system, an ethical system in a state institution that is positively enforced is needed in the form of a code of ethics in the public sectors, where every state and government sector always has rules and guidelines for the organization and work procedures that are internal the environment of community organizations that have budgets, basic guidelines and budgets or organizational household guidelines. However, only a few of these organizations or institutions have had a code of ethics accompanied by the institutional infrastructure of the Honorary Council or Ethics Commission in charge of enforcing the intended code of ethics. In addition, even if the guideline or articles of association and the household already exist, the documents only exist on paper in the sense that they are not really used as guidelines for organizational behavior. In general, the regulatory documents, guidelines or articles of association and the household are only opened and read

at the time of the organization of the congress, conference or national meeting concerned. The rest of the documents are only considered normal and forgotten. In other words in organizational culture or organizational culture in various circles of Indonesian society, the habit of obeying the rules has not become a strong tradition. The obedient tradition of the rule still has to be widely cultivated, for this reason a process of institutionalizing normative traditions is needed both with regard to legal norms, ethical and moral norms.

In addition to organizing and improving legal norms, it is also necessary to institutionalize positive ethical systems and infrastructure in Indonesian society through mechanisms in the state and government superstructure environment and in the community. The Indonesian constitutional system in the current era of globalization has established a number of ethical code enforcement institutions including the Election Commission (in Indonesian known as Komisi Pemilihan Umum or KPU). KPU as a form of realization of popular sovereignty in the framework of democratization on a regular basis with free, direct, public and secret principles is a mandate from the constitution which must be carried out by the government, in this case ensuring and protecting the implementation of popular sovereignty in channeling political rights in Election Elections as one of the practices of power and government must be based on legal principles that are just and values of benefit. One of the basic principles of a democratic rule of law is a guarantee that is just for the people to express their sovereignty.

In this modern era, the world experiences a strong shock against values and norms. The moral crisis and ethics of national life, especially the crisis of values in the political aspect is felt. The deviation of private ethics and public ethics in the state has increased and the chaos of norms seems to continue to occur in the practice of state management so that in the atmosphere of globalization we are reluctant to face it, with a responsive attitude (Jimly Asshiddiqie, 2017:22).

Strengthening the basis of applied ethics in the context of the professionalism of state officials is a fundamental thing that should be confronted by all elements of the nation including the Honorary Board of Election Organizers (Dewan Kehormatan Penyelenggara Pemilu, which is later called DKPP). Based on the mandate of Law Number 15 Year 2011 concerning Election Organizers, enforcement of the election code of ethics with the Rule of Law and the Rule of Ethics approach where DKPP's task is to make Value as a norm system that can be trusted by the community to make DKPP a social control instrument in the system nation that is able to attract public attention.

The state wants to make this institution an instrument of democracy that portrays itself with the value of the common good without partiality (Jimly Asshiddiqie, 2013:87).

In order to realize the vision of nation-building through improving the quality of democracy, it is necessary for state institutions to oversee the process of holding elections and simultaneous post-conflict local elections in 2019 throughout Indonesia, this institution was formed in the practice of modern democracy in Indonesia. DKPP is a product of improving the quality of democracy, especially the administration of elections. The election seems to be a burden to its own political history for each process of change towards a better direction and because of the high cost of elections a special institution is formed permanently to enforce the code of ethics so that the goal is not only "Luber Jurdil" (Indonesian acronym which stands for Direct, General, Free, Confidential, Honest and Fair) but creating a climate of process and results that have integrity so that this nation can choose quality and dignified leaders.

The Election Organizers Honor Council (DKPP) is a new institution formed on June 12, 2012 by the government. The existence of DKPP is an ethics institution assigned by Law Number 15 of 2011 concerning Election Organizers to deal with the issue of violation of the code of ethics by the election organizers both the Election Supervisory Body and the KPU.

The formation of state institutions as part of institutional experiments in the form of councils, commissions, committees, bodies or authorities referred to as DKPP can be called supporting state institutions because they carry out a mixed function between regulative and administrative functions and punishment functions which are usually separated, but carried out simultaneously by these new institutions.

As the Election Organizing Honorary Council (DKPP) it was formed and began its work as a court of ethics by applying an open court model and all principles as a

general court (legal court). In substance, the realm of ethical justice is different from the legal court, violating the law is definitely violating ethics, but those who violate ethics do not necessarily violate the law. Regardless of the sanctions imposed, DKPP's ethics court only imposes sanctions in the form of warning / warning, temporary dismissal, dismissal from the position of chairperson, and the heaviest sanction is a permanent dismissal. DKPP sanctions are educational and for the purpose of maintaining the integrity, credibility, and independence of the institution without punishing (imprisonment) like a legal court that is retaliatory. Because the substance and sanctions are different in substance, the DKPP decision cannot be assessed by the State Administrative Court.

The violation of the code of ethics for the conduct of elections conducted by Yaza Azzahara as Chair of the Republic of Indonesia Election Supervisory Committee in Kuala Lumpur in the form of unprocedural reports in the form of information that is not in accordance with data and facts and allegedly lying and attending in the declaration of support for one pair of candidates election management ethics, and this is a violation of the code of ethics and conduct guidelines of general election organizers as referred to in the Honorary Rules of the Republic of Indonesia General Election Organizer Number 2 of 2017 concerning Code of Ethics and Code of Conduct of Election Organizers Article 9 letter a, Article 11 letter c, Article 12 letter d, and Article 15 letter f.

Based on these problems, the authors are interested in linking Pancasila and the 1945 Constitution which were developed with a new understanding of "constitutional ethics" in addition to "constitutional law" in which Pancasila and the 1945 Constitution as well as sources of constitutional law must also be viewed as a source of ethics for the organizers of simultaneous elections in 2019. This article will present an idea to improve the negative code of ethics system to be a positive ethical code for the organizers of the election by making the ideas, principles and values contained in the formula items Pancasila and the 1945 Constitution as references.

2. RESEARCH METHODS

The research in this paper is a type of normative legal research. The main data used in this study is secondary data, namely data derived from library materials (Soerjono Soekanto, 2010). The method used in the collection is to use library research, which is to examine and explore legal materials or written data in the form of legislation and other legal materials relating to the problems examined in this study. The purpose of this study is to provide an understanding of the electoral code of ethics system in Indonesia.

3. RESULTS AND DISCUSSION

Pancasila and the 1945 Constitution as a Source of Ethics for Organizers of Simultaneous General Elections in 2019. Based on the Indonesian constitutional system, Pancasila is positioned as a basic norm (*grundnorm*) and the source of all legal sources in Indonesia and in the national legal hierarchy, Pancasila occupies the highest position, followed by the 1945 Constitution, laws and various laws and regulations in below it.

In the view of Edisius Riyadi (2017), Pancasila as a basic norm does not only mean substantial-material, but also procedural-formal. In substance, various laws in Indonesia, both written and not, must refer to Pancasila as the highest reference. Therefore, every legal norm must contain and consider the values of love, mutual respect, and tolerance as manifested in the first principle, humanitarian in accordance with the second principle, maintaining unity and unity in accordance with the third principle, democracy-deliberation in the fourth principle, and equitable social solidarity in the fifth principle.

The values contained in Pancasila are an ethical foundation or guidelines for good and bad behavior of people in public spaces. These values are related to forming an ethical system in the fields of politics, economics, socio-culture, etc.

Pancasila ethics requires the strength of the unity and unity of the Indonesian nation in the context of the unitary state of the Republic of Indonesia based on the principle of Unity in Diversity. Spreading false news and violations of the 2019 simultaneous general code of ethics which attacked individuals, political parties, and even the organizers of other 2019 elections meant violating Pancasila ethics and deserving of social and political sanctions.

As an ethical system, Pancasila should become a national public norm and leading principles, both for state administrators (especially election organizers), political parties, political elites, and society as political subjects. This system is not only a sign for politicians' behavior, but also for all stakeholders. KPU, Bawaslu, political consultants, and political survey institutions, have the same moral obligation and contribute to the creation of the quality of a dignified, democratic and humane democracy. Unfortunately the ethics of national life which are regulated in the MPR RI (Indonesian People's Consultative Assembly) Decree No VI / MPR / 2001 which comes from the noble values of the Pancasila have not been effective. The formulation of the ethics of national life was prepared to provide awareness about the importance of ethical and moral upholding in the life of the nation. However, due to the absence of a measurable reward and punishment system, as well as the weak position of the People's Consultative Assembly in the legal hierarchy, the ethics of national life became a text without meaning.

4. CONCLUSION

In this section, the author will provide some conclusions from the study and discussion of the problems that has been done before. Some conclusions that the author can give are:

1. Law is a unitary system consisting of institutional elements, legal elements (instrumental elements) and behavioral elements of legal subjects bearing rights and obligations determined by the norms of the rules (subjective and cultural elements).
2. As a support for the functioning of the legal system, an ethical system in state institutions that is positively enforced is needed in the form of a code of ethics in the public sectors, where every state and government sector always has rules and guidelines for the organization and work procedures that are internal, such as those conducted by the Election Organizing Board.
3. Pancasila and the 1945 Constitution in addition to being a source of constitutional law are also seen as a source of ethics for the organizers of simultaneous elections in 2019, and based on this basis it is expected to improve the negative code of ethics system into a positive code of ethics in every election organizer in Indonesia.

REFERENCES

- Asshiddiqie, Jimly, 2013. Upholding Ethics in Organizing Elections. Sinar Grafika. Jakarta.
- _____, 2017. Constitutional Culture and Cultural Constitution. Intrans Publishing, Malang.
- Republic of Indonesia, 1945 Constitution.
- Republic of Indonesia, Law Number 15 Year 2011 concerning Election Organizers.
- Republic of Indonesia, Honorary Regulation of the Republic of Indonesia General Election Organizer Number 2 of 2017 concerning the Code of Ethics and Code of Conduct for Election Organizers.
- Riyadi, Edisius, 2017. Election Ethics. PT. Gramedia. Jakarta.
- Soekanto, Soerjono, 2010. Introduction to Legal Research. UI Press. Jakarta.
- https://www.researchgate.net/publication/326134657_Pelanggaran_Kode_Etik_Dan_Sanksi_Dalam_Penyeleenggaraan_Pemilihan_Umum. Accessed on May 23, 2019.
- file:///C:/Users/ASUS/Downloads/1437-2704-1-SM.pdf. Accessed on May 23, 2019.