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The Code of Ethics and Disciplinary Management of Political Parties Member

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Abstract

Abstract

Violation of the law which includes ethical violations is actually an act contrary to the ethical rules of regulations for members of political parties. Still, these violations indicate an increase in public officials from political parties. As such, it is interesting to research how to determine the model of the code of ethics for members of political parties. It includes members of political parties who are involved as well as public officials. The type of research used in this article is normative-empirical with a statutory approach and is supported by field research. The data obtained were then analyzed qualitatively. The results of the research and discussion show that the enforcement of the code of ethics and party discipline is carried out through prevention and prosecution efforts. Prevention efforts are carried out through continuous guidance for ordinary members, members, and party cadres by the party honors division at each level of the party leadership council. Meanwhile, efforts to take action are carried out by the party ethics and disciplinary committee formed by the DPP, which is tasked with examining and proving any



alleged violations of the party's code of ethics and discipline by party members. The party ethics and disciplinary committee is authorized to examine and provide recommendations on whether party members are guilty of violating the code of ethics and/or party discipline on the basis of reports, complaints, or information.

A. Introduction

Article 1 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD NRI) states that the State of Indonesia adheres to the notion of democracy, which means that power or sovereignty is in the hands of the people and is carried out according to the Constitution. One form of community neutrality in implementing sovereignty is forming a political party (party). The role of political parties is very influential on the condition and future of the nation because the election results will produce a new leadership, which is elected through general elections. The meaning of democratization in the life of the nation and state is one of them holding general elections, which will lead a nation to new leadership and government, with the hope that the new government will improve life in all fields.

The existence of political parties is strategic, as has been mandated in the 1945 Constitution of the Republic of Indonesia, among others, as a source for national and local leadership, a source for positions in people's representative institutions, filling public positions, and a political identity.¹ In addition, political parties are political institutions or organizations with political functions such as political education, political communication, articulation and aggregation of interests, political participation, political recruitment, and so on.²

Members of political parties, especially those who hold political positions, have functions as set out in the functions of political parties above. Concerning the implementation of the functions of political parties, it is not uncommon to abuse power by public officials who are also party politicians, especially those who hold political and public positions, including ethical issues.

The issue of political ethics is significant for leaders or rulers, apart from religious teachings; it is also related to society and human relations, especially regarding government in a country where a leader must be able to prosper the people in the area he leads. Ethical issues are closely related to several cases of abuse of authority and attitudes of public officials who are also political party administrators. Data owned by the KPK from 2004 to 2020 (as of May 2020), there are more than 200 people's representatives both at the regional and central levels who hold the status of KPK suspects. In addition, the problem of integrity still plagues politicians, especially young politicians. This can be seen from 51% of KPK suspects who are young politicians.³

The current legal system cannot answer the legal problems of the holders of public positions, the burden of which is a very complicated and extensive mechanism. Moreover, the legal sanction system does not recognize educational efforts, such as moral sanctions, which can give warnings or warnings with the intent and purpose of educating. If a violation is classified as severe, the person concerned can be dismissed from his position. The violation of

¹Mahkamah Konstitusi, *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia*, Sekretariat Jendral dan Kepaniteraan Mahkamah Konstitusi, 2010. hlm.9

² Pasal 11 Undang-Undang Nomor 11 tahun 2008 tentang Partai Politik, Lembaran Negara Republik Indonesia (LNRI) Tahun 2008 Nomor 2 Tambahan Lembaran Negara Republik Indonesia (TLNRI) Nomor 4801.

³ <https://news.detik.com/berita/d-5243038/sejak-2004-hingga-2020-ada-274-anggota-dpr-dprd-jadi-tersangka-kpk>

the code of ethics of Setya Novanto, a Member of the DPR RI, has added to the gloomy face of the current parliament. The dimensions of violations committed by public officials with great authority and influence will have a significant impact. Therefore, resolving violations of the code of conduct for members of the DPR by the Honorary Court of the Council (MKD), which is only a tool for the council, should be seen as the beginning and not the last. This case went to MKD on the Minister of Energy and Mineral Resources (ESDM) Sudirman Said's report regarding his meeting with Entrepreneur Muhamad Riza Chalid and the President Director of PT. Freeport Indonesia Maroef Sjamsuddin, in terms of discussing negotiating the contract extension of PT. Freeport by lobbying for 20% shares on behalf of the President and Vice President. The ethics trial of Setya Novanto as a member of the DPR at the MKD drew sharp criticism from the public because the MKD, in resolving violations of Setya Novanto's code of ethics, could not prove a violation of his code of ethics. The Constitutional Court, which looks like a judicial institution or has a judicial character with the regulation of its authority in the provisions of its procedure, DPR Regulation Number 2 of 2015 concerning Procedural Procedures for the Indonesian Constitutional Court, to examine allegations of ethical or legal violations by using evidence that has similar qualities.⁴

Corruption, collusion and nepotism are, in fact, cases of significant violations of the law by public officials. The big question is on the existence of political parties as media for political education for their members because political parties should be expected to be able to contribute and improve the ethical quality and performance of politicians who are holding public office so that members of political parties can carry out their functions and roles as public officials appropriately and ideally. Some political parties include a code of ethics and guidelines for the behavior of party politicians in the Articles of Association and Bylaws of the Party. Still, others specifically make a Code of Ethics and Implementation Guidelines, such as those of the Partai Demokrat and the Partai Demokrasi Indonesia-Perjuangan (PDI-P). This is the basis for a code of ethics for political parties to support a democratic system.

Violation of the law, which includes ethical violations, is an act contrary to the ethical rules of regulations for members of political parties. Still, these violations indicate an increase in public officials from political parties, so it is interesting to research how to determine the model of the code of ethics for members of the political party. Members of political parties who are involved as well as public officials, including the Partai Demokrasi Indonesia-Perjuangan (PDI-P) which has its code of ethics separate from the Articles of Association and Bylaws (AD/ART). So that in this study, the emphasis is on setting the code of ethics and discipline for members of the Partai Demokrasi Indonesia-Perjuangan (PDI-P). And as a result of the comparison, the researchers used other parties outside the Partai Demokrasi Indonesia-Perjuangan (PDI-P), namely the Partai Demokrat (PD), the Partai Keadilan Sejahtera (PKS), and the Partai Solidaritas Indonesia (PSI). The type of research used in this research is normative-empirical with a statutory approach and is supported by field research. The data obtained were then analyzed qualitatively.

The novelty of this research will contribute to political parties in enforcing the code of ethics and discipline against members of political parties suspected of committing violations. This study also provides suggestions from the author to political parties to implement a code of ethics and discipline for each of its members, not just a formality. And political parties must be committed to establishing a code of ethics and discipline for members holding political positions when they are suspected of committing violations.

⁴ Nur Qamariah Novita, *Penyelesaian Pelanggaran Kode Etik Anggota Dewan Perwakilan Rakyat Republik Indonesia Oleh Mahkamah Kehormatan Dewan*, *e Jurnal Katalogis*, Volume 4 Nomor 12, Desember 2016 hlm 140-150

B. Discussion

Regarding the regulation and regulation of the code of ethics and discipline for members of the Partai Demokrasi Indonesia-Perjuangan, Partai Demokrat, Partai Keadilan Sejahtera, and the Partai Solidaritas Indonesia, it can be described as follows:

1. Partai Demokrasi Indonesia-Perjuangan

In the PDI-P's AD/ART, it is explained that to maintain the authority and uphold the party's image, provisions are made on party discipline that all party members must obey. The code of ethics and party discipline is a unified foundation of moral, ethical, and philosophical norms that serve as guidelines for party members, whether required, prohibited, appropriate or inappropriate in their words and actions. As a form of discipline for party members, party members are obliged to carry out their duties and responsibilities based on their position by prioritizing the party's interests rather than personal interests. The prohibition of corrupt behavior for every party member in the party's code of ethics and discipline has been regulated even in personal life. Each party member is obliged to:

- a. Not to interfere with personal or family matters in their duties, authorities, and obligations;
- b. Prevent various forms of abuse of duties, authorities, and positions assigned by parties, both members, party leaders/management, and party officials in political institutions and public institutions directly or indirectly;
- c. Refusing to accept money, goods, services, or other gifts that have an economic value related to the tasks or positions entrusted to him by the party;
- d. Forbid husband or wife, children, and anyone who has blood ties even to the third degree to accept promises, grants, gifts, gifts, loans or anything else from parties with interest in party members;
- e. Prevent or avoid actions or actions that violate applicable laws and regulations; and
- f. Behave and act politely and honestly as role models in people's lives.

2. Partai Demokrat

Based on Article 2 of the Articles of Association of the Partai Demokrat Household Budget Member Obligations:

- a. Living, obeying, and practicing the Articles of Association and Bylaws;
- b. Living, obeying and practicing party decisions that have been legally determined and carrying out the steps determined by the Party Leadership Council based on those decisions; and
- c. Participate in party activities and be responsible for everything assigned to him.

Article 3 Rights of Members

- a. Participate in party activities that are intended for all members;
- b. Choose and be elected to become party administrators or other positions determined by the party;
- c. Provide proposals, suggestions, or corrections to the Party Leadership Council in the best possible way according to the Party mechanism.

Article 6 Mechanism for Imposing Sanctions

- a. For party administrators and party cadres assigned to executive and legislative institutions at the central and provincial levels, sanctions are imposed by the Central Executive Board based on the results of the Honorary Council's decision.

- b. For cadres or party administrators at the branch level and party cadres assigned to executive and legislative institutions at the district/city level, sanctions are imposed by the Central Executive Board based on the request of the Regional Leadership Council and the results of the Regional Honorary Council's decision.
- c. For party administrators and cadres at the Sub-Branch, Branch and Sub-Sub-branch levels, sanctions are imposed by the Leadership Council Regions based on the request of the Branch Executive Board and the results of the decisions of the Plenary Meeting of the Branch Managers.

Article 7 Self-Defense Mechanism

- a. Self-defense by members/cadres/party administrators at the central and regional levels who are subject to sanctions may be submitted to the Central Executive Board, then reported and discussed in the Honorary Council Meeting.
- b. Self-defense by members/cadres/party administrators at the Branch level who are subject to sanctions may be submitted to the Central Executive Board through the Regional Leadership Council and then reported and discussed in the Honorary Council Meeting.
- c. Self-defense by members/cadres/party administrators at the Sub-Branch, Sub-branch and Sub-Sub-branch levels who are subject to sanctions may be submitted to the Regional Leadership Council through the Branch Leadership Council and then reported and discussed in the Regional Honorary Council Meeting.

The Code of Ethics and Guidelines for the Implementation of the Partai Demokrat Code of Ethics are contained in Article 31 of the Partai Demokrat code of ethics, which reads as follows:

- a. If the decision is not proven, the Reported Party shall be restored to its good name and honor as a cadre.
- b. If the decision is proven, the Council submits its decision along with recommendations for sanctions to the Partai Demokrat Central Leadership Council (DPP) for further action
- c. The forms of recommendation for sanctions are:
 - 1) Strict warning.
 - 2) Temporary suspension of party management.
 - 3) Permanent dismissal from party management.
 - 4) Dismissal from legislative membership.
 - 5) Temporary dismissal from office in government.
 - 6) Dismissal from party membership.
- d. The Central Leadership Council (DPP) of the Partai Demokrat is obliged to carry out the contents of the decisions and recommendations given by the Honorary Council.
- e. The recommendation of the honorary council must be carried out no later than 7 (seven) days after the decision and recommendation are received by the Partai Demokrat Central Leadership Council (DPP).
- f. Suppose the recommendation, as referred to in paragraph (5) above, is not implemented by the Partai Demokrat Central Leadership Council (DPP). In that case, the Honorary Council will hold the chairman of the Partai Demokrat Central Leadership Council (DPP) accountable.

3. Partai Keadilan Sejahtera

Party Political parties that prepare their best cadres to participate as public officials must also contribute and be responsible for preparing and strengthening ethics for their cadres. Moreover, Article 10 Paragraph (2) letter c of Law Number 2 of 2008 concerning Political Parties as amended by Law Number 2 of 2011 states explicitly that one of the specific objectives

of Political Parties is to 'build ethics and political culture in social life, nation, and state. Therefore, this paper will discuss political parties' role in upholding public officials' ethics, especially from the Partai Keadilan Sejahtera (PKS) perspective.

Partai Keadilan Sejahtera (PKS) has always viewed the ethical issues of its cadres or public officials as very important because it is in line with Islamic teachings, which is the principle of this party. Islamic teachings place ethics (*ethics*) as one of the centers of Islamic values along with the science of Kalam and the science of *Fiqh*. He explained that many Islamic jurists mention ethics as the infrastructure of Islam and *fiqh* (law) as a means of realizing ethics. Because of the importance of ethics, it is even stated that *fiqh* (law), especially in the muamalah-can change depending on the situation and conditions. In contrast, ethics, along with worship, basically cannot be changed.

One of the important institutions in upholding ethics/morals within the PKS is the Central Sharia Council. His two powers relate to the Party's Code of Ethics, namely to establish and socialize the Party's Code of Ethics and to organize Islamic education and training, the Party's Code of Ethics, and the Procedures for the Court of Justice. In addition, the Central Sharia Council also has the task of enforcing the Code of Ethics, namely 'making decisions on violations of sharia, violations of organizational discipline, and violations of the Party's Code of Ethics proposed by the Central Executive Board and Regional Sharia Council'. The position of the Sharia Council as an enforcer of ethics is dominant in the Party's Articles of Association. If at the central and regional levels, the name of the institution that is pinned is the Central Sharia Council (DSP) and the Regional Sharia Council (DSW), specifically for the regional level, the name of the institution used is the Regional Ethics Council.

In the case that FH states that he understands the AD/ART PKS and is ready to undergo the process according to the AD/ART PKS as mentioned above, it means that FH understands the obligations of Party Members as stipulated in the AD/ART PKS and other Party Regulations, including:

- a. AD PKS Chapter XVIII regarding Rewards and Sanctions Article 26 Paragraph (3) states: "Parties impose sanctions in the form of administrative sanctions, impositions, temporary dismissals, lowering of membership levels and dismissal from management and/or membership for the actions of members who violate sharia rules and/ or organizational rules, tarnish the party's image or other actions that are contrary to the AD/ART and/or other Party Regulations. "
- b. Party Guidelines No. 01 of 2015 concerning Awarding and Imposition of Sanctions Chapter V related to Hisbah Objects in Part Two Categorization of Violations Article 11 Paragraph (2) letters a, b, e, g and m which reads.

4. Partai Solidaritas Indonesia

The Partai Solidaritas Indonesia has also implemented a code of ethics for its party members in the DPP. The DPP of the Partai Solidaritas Indonesia has issued a permanent dismissal of Sis Viani Limardi from membership on Saturday, September 25, 2021. The process starts with the DKI Jakarta PSI DPW, the Directorate of Faction Development and PSI Legislative Members, the Fact-Finding Team (TPF), and the DPP PSI. From these results, Viani was declared no longer in line with the party's vision and mission and was proven to have violated the Party's Articles of Association/Bylaws (AD/ART), specifically Article 5 of the AD/ART Article 5 regarding the obligations of members. The obligations of the members include being obedient and loyal to the line of struggle, AD/ART, and party decisions. Based on the MD3 Law regarding the dismissal as a member of the DPRD, DKI Jakarta, there needs to be a decision from the Minister of Home Affairs. However, until the issuance of the decision,

since the PSI DPP letter was issued on Saturday, 25 September 2021, Sis Viani is no longer part of the PSI extended family. Sis Viani's actions after that are no longer related to PSI. For PSI, the most important thing is to ensure that the party's values are maintained and practiced. These values start from solidarity, equality, and anti-corruption, which all cadres must carry out consistently. To become a member of the DPRD is a responsibility, not a *privilege*, that cannot be evaluated. PSI is committed to maintaining integrity and enforcing discipline against PSI public officials. This strengthens PSI's commitment and encourages running a party free from corruption.

The previous sub-chapter has explained the regulation of the code of ethics and discipline for members of the Partai Demokrasi Indonesia-Perjuangan, the Partai Demokrat, the Partai Keadilan Sejahtera and the Partai Solidaritas Indonesia. In this section, the researcher describes the arrangement of the code of ethics and discipline of party members. The party, as mentioned earlier, is ideally a place to devote oneself in the context of participating in the struggle for public aspirations and helping to realize effective and democratic governance. The profession of a politician is noble, channeling people's aspirations, helping the political aggregation of citizens, and serving the community in the process of national and state life. However, the reality still shows several facts that corruption is happening, and party politicians do it. There are indications that political parties are only used as political vehicles for some politicians to get jobs and can accumulate wealth.

Based on the experience of several countries, the need for minimum ethical standards can encourage the birth of politicians with integrity on the one hand and, on the other hand, can encourage the party's internal integrity system. This must be done so politicians and parties can ideally carry out their functions and roles. Indeed, there is no guarantee, but at least with the existence of party ethical standards that apply to all party politicians, which include party members, party cadres, party administrators, legislative candidates, regional head pair candidates, presidential and vice presidential candidates, including public officials who were representing parties in state institutions, can guide how politicians and party cadres should behave and carry out their political functions. To achieve this, several parties often say that they already have a code of ethics and conduct that serve as the basis for action for their respective party members and cadres. Indeed, several political parties have "have" a code of ethics and conduct for party members and cadres in the Party's Articles of Association and Bylaws (AD/ART Party). Political parties have also developed a code of ethics and guidelines for its implementation. However, there still needs to be improvements because the ethical standards referred to are still too broad and not yet specific, while the ethical standards in this document are how to place more integrative ethical standards so that they can serve as guidelines for parties in maintaining their political integrity and become an internal standard. to reduce the risk of potential political corruption by party politicians.

Several problems currently faced by several parties are the common challenge in the future is how to create political parties with integrity as the most strategic political organizations to run the political and democratic system in Indonesia. As a public institution that has a strategic role in the life of the broader community in Indonesia, we all need to think about how political parties should be encouraged to make improvements and changes. The illustration is simple, and the good and bad of democracy and our political system depend on how political parties are managed and run. Any bad party governance will impact political practice and the consolidation of democracy in Indonesia.

Many efforts can be made, both internally and externally. Internally, for example, it is a necessity for party elites to listen to public criticism so that the party wants to improve itself. For example, one effort in that direction can be made by improving governance and regeneration systems and changing recruitment mechanisms in Indonesia's party and electoral

systems. This change is expected to oblige parties to adopt patterns and levels of cadre on the one hand. On the other hand, change the pattern of recruitment of public officials, which has been thick with the nuances of political dynasties, prioritizes elite interests, pays little attention to the interests of cadres and constituents, and rampant dowry politics.

Political parties function correctly and create party organizations that become a place for gathering all the interests of the nation nationally. Meanwhile, in realizing the ideals and wishes of the founders of the nation so that the party becomes a place and container for aspirations as well as an essential instrument of democracy that works and has integrity, it is a necessity that parties need to institute integrity standards guided by all members and cadres. It is believed that the institutionalization of integrity standards will encourage changes in political parties in the future for the better. To realize a democratic system in the future, the challenge lies in how the practice of internal party democracy becomes a culture for political parties. So far, internal party democracy has not run optimally because oligarchic practices and personalization of power are more robust than democracy in party decision-making to set strategic agendas, such as the election of party management at every level, the process of nominating members of the legislature, public officials, coalition and the determination of presidential and vice presidential candidates. In addition, the practice of internal party democracy is also prone to “money politics”, and tends to be closed and undemocratic.

The issue of compliance with political parties to realize integrity is aimed at building democratic, transparent and accountable political parties. Within that framework, one of the essential things that must be referred to is the existence of a code of ethics for political parties and politicians that is internalized and implemented along with the enforcement of sanctions. As in the study of the Code of Ethics for Political Parties and Politicians, the code of ethics for political parties is an instrument of ethical principles as an ethical or philosophical foundation that regulates behavior and ethical norms for political party organizations and political party cadres, both collectively and individually on several matters- matters relating to what is required, what is prohibited, what must be obeyed, what is appropriate and what is not. Likewise, to realize politicians with integrity, the code of ethics for politicians is a unified foundation of moral, ethical, and philosophical norms that are mandatory and binding, guided by every politician to maintain the dignity, honor and credibility of political parties as public legal entities that have the function of selecting political leaders, making policies. Public, conducting political education, articulating and aggregating public interests, and carrying out political communication and participation at the national and regional levels.

The principles of the Code of Ethics generally agreed upon are related to the principles of public interest, honesty, integrity, transparency, accountability, fairness, professionalism and obedience to the law, along with the scope of technical explanations. Therefore, the Code of Ethics for Political Parties and Politicians is essential to create political parties and politicians with integrity. However, to see the positive impact of the Code of Ethics for Political Parties and Politicians, it is necessary first to discuss the operationalization of the Code of Ethics for Political Parties and Politicians and the enforcement of sanctions in the event of a violation of the code of ethics. There is an interaction of ethical principles contained in the hexagon, which interact with one another to be able to realize the main goal in an environment of political life with integrity. Each hexagon interacts and relates to one another to create a party ethical standard. The goal of achieving political parties and politicians with integrity will not be achieved without following the observance of the law. Thus, the operational steps of these ethical principles will minimize ethical violations. In addition, ethical standards must be spelled out in operational instruments, such as codes of ethics for political parties and politicians. There are at least three (3) elements that must be met by a party's ethical standards, namely (1) ethical

standards (ethical principles), (2) enforcement, and (3) protection (*whistleblower*). These three political parties will be born with integrity from an ethical perspective.

To realize political parties and politicians with integrity, it is necessary to see whether ethical standards are applied as basic guidelines for the governance of political parties and as basic guidelines for behavior for politicians to fulfill public responsibility for their political positions. This ethical standard at least includes the application of ethical principles, namely prioritizing the public interest, honesty, integrity, transparency, accountability, justice, professionalism and obedience to the law, which emphasizes the operationalization of these main principles as an effort to create a political party with integrity. This can be realized internally through ethical standard documents owned by political parties that specifically and generally regulate the code of ethics that applies internally to political parties. Ethical documents can also be in the form of party regulations, adoption in the party's Articles of Association and Bylaws, as well as other written party guidelines, such as the Party's Code of Conduct which serves as a guide to behaving as a political party and a code of conduct for politicians. This ethical document will show whether political parties have set ethical standards separately, are attached to the AD/ART, are ad hoc (only made when there is a case) and are only limited by the political party's leadership. Thus, what is meant by a standard ethical document is a policy document prepared by a political party that contains regulations regarding the *code of conduct* or the Code of Ethics for Political Parties and Politicians, what rules may and may not be (common standards), how ethics should be followed. enforced by what institution and how the mechanism.

Who has integrity? Political parties should ideally own this Code of Ethics for Political Parties and Politicians so that they can prove themselves as political parties that can maintain the dignity of political parties and make parties with integrity. This code of ethics should be respected by politicians so that their political behavior of politicians can be appropriate. The Code of Ethics for Political Parties and Politicians that is implemented will prevent political parties and politicians from carrying out activities that reduce public confidence in political parties and politicians, which in turn affects the ability of political parties and politicians to win contestations in elections. If no ethical standards are respected, it is suspected that this will affect the viability of political parties in the future. Therefore, there needs to be mutually agreed-on ethical standards as guidelines for ethical behavior, which will produce political parties and politicians with integrity.

Whether or not there are ethical standards for politicians becomes essential in creating political parties and politicians with integrity. In addition to the ethical standards that contain the basic principles of the code of ethics, it is necessary to emphasize each of these ethical principles, especially regarding matters that directly affect the integrity of the politician, which in turn has an impact on the integrity of political parties. The things below need to be watched out for so that they don't happen to political parties caused by the behavior of their politicians. Therefore, political parties need to make regulations that their politicians:

1. It is forbidden to use authority/power to enrich oneself, one's family, organizations, groups, and groups that may harm the public interest;
2. Prohibited inappropriate or inappropriate behavior that can degrade the honor, dignity and image of politicians;
3. It is forbidden to behave and/or act contrary to the norms, ethics, and customs that apply in the social system of society;
4. It is forbidden to ask for gifts, grants, loans, or other benefits related to the profession and/or position held;
5. It is prohibited to give gifts, grants, loans or other benefits related to the profession and/or position held;

6. Prevent or prohibit husband/wife, children and every individual who has blood ties to the third degree from requesting or receiving gifts, grants, loans, or other benefits related to the profession and/or position held;
7. Every politician who changes parties must go through a tiered recruitment and regeneration process, like new members, for at least one year;
8. Prohibited from being involved in cases of corruption, narcotics, and illegal drugs;
9. Politicians are obliged to reject the use of violence as a way of resolving differences and/or political conflicts that are internal or between political parties; and
10. Politicians are prohibited from calling for money, goods, or other gifts to prevent voters from attending polling stations or using their voting rights.

In applying the principle of honesty, for example, politicians must be asked to be honest, including the willingness of politicians to provide access to information regarding the origin of their wealth, personal identity regarding track records of work history and public clarification of their legal status. In some cases of political corruption, personal information is not disclosed, so the public cannot monitor politicians' behavior. The use of power and *abuse of power* often occur due to the absence of appropriate standards that are adhered to by politicians. The use of power or position detrimental to the public interest often occurs. Some politicians are trapped in inappropriate behavior, including enriching themselves, their families and groups. Therefore, politicians need to comply with the ethical standards applied by political parties so that they can be implemented by political parties and respected by their politicians. The ethical standards above are the minimum standards that must be regulated by political parties and adhered to by cadres and politicians of political parties so that efforts to realize politics of integrity can be achieved.

In practice, in addition to the code of ethics and standard documents that must be owned, parties must also set standards of expected behavior. The usual standard relates to the party's internal commitment in the form of joint rules that regulate what is allowed and what is not, what is prohibited and what is not, which is used as the basis for behavior by party cadres. The prohibitions of what is allowed and not are part of the usual standard. Therefore, the prevalence standard is a standard that regulates what is unusual or deviant in an institution or organization.

These common standards, among others, regulate the following:

1. The selection process for top party leaders and administrators is carried out through a dignified process based on the criteria made by the party in the AD/ART;
2. Each party is obliged to support and encourage anti-corruption programs individually or together with other institutions;
3. Top party leaders are prohibited from using their positions to seek personal, family, group and class benefits;
4. Party leaders and top executives are required to prioritize their duties and functions professionally;
5. Party leaders and/or general chairpersons are prohibited from holding other concurrent positions outside of their profession as politicians;
6. Every leader and top management of the party is prohibited from using their authority/power to enrich themselves, their families, organizations, groups, and groups that can harm the public interest;
7. Every leader and top executive of the party is prohibited from behaving inappropriately or improperly that could degrade the honor, dignity and image of politicians;
8. Every leader and top management of the party is prohibited from acting and/or acting that is contrary to the norms, ethics, and customs that apply in the social relations system;
9. Each party leadership and top management is prohibited from asking for gifts, grants, loans, or other benefits related to the profession and/or position held;

10. Each party leadership and top management is prohibited from receiving gifts, grants, loans, or other benefits related to the profession and/or position held;
11. Every leadership and top management of the party is prohibited from giving gifts, grants, loans, or other benefits related to the profession and/or position held;
12. Party leadership prevents or prohibits husband/wife, children, and any individual who has blood ties to the third degree from requesting or receiving gifts, grants, loans, or other benefits related to the profession and/or position held; and
13. All party officials, leaders or top officials and their members participate in eradicating *electoral fraud and money politics* before, during and after the election *stage*.

Political parties with integrity are political parties that, in addition to having ethical standards set out in party regulations separately or explicitly incorporated in the Party's Articles of Association and Bylaws (AD/ART), must also have an ethical enforcement mechanism. An ethics enforcement agency is formed by a political party whose membership can be internal and/or combined with experts (external parties) who are independently authorized to adjudicate and decide on ethical violations. Therefore, political parties are advised to institutionalize ethics enforcement through an ethics enforcement mechanism through ethical courts and an ethical court that becomes a means of upholding ethics for political parties and politicians.

Enforcement of the political party integrity system is a mechanism built by political parties to overcome possible irregularities in party governance and in the process of carrying out the functions of political parties and political party activities that include cadres, party administrators and politicians who gather. In practice, enforcing ethics is one of the fundamental instruments to maintain the honor and dignity *of* a profession and/or organization. The enforcement of ethics regulates how the rules *of ethics* are monitored and political parties and politicians are obliged to maintain the independence and neutrality of government bureaucratic institutions, the judiciary, and other state institutions.

In Indonesia, some institutions enforce ethics, such as the Honorary Court of the Council (MKD), which enforces ethical rules for members of the House of Representatives (DPR), the Honorary Court, and the Party Honorary Council. Several parties have implemented this, with the aim that the party has control over the behavior of its cadres and members. This ethical trial is necessary for several reasons as follows:

1. In a democratic system, supervision of behavior for politicians who have essential positions in democracy is a condition *sine qua non* in the life of the nation and state;
2. Political parties are organizations that are important for the functioning of the democratic system and encourage the growth of good democracy and not flawed democracy (democratic deficit);
3. Politicians are an essential profession for state life in democratic countries;
4. Power needs to be monitored so that it does not lead to power, as expressed by *Lord Acton* that power tends to be abused and absolute power must be abused so that it can cause political corruption (*power tends to corrupt, absolute power corrupts absolutely*); and
5. To avoid abuse of power, abuse of power, monitoring the behavior of politicians is a necessity. Therefore, the party needs to develop policies to enforce the integrity system it has built.

The enforcement of ethics has been mentioned in the Book of Codes of Ethics for Politicians and Political Parties compiled by the KPK and LIPI. From the experience of several countries, it shows that to enforce ethics effectively, sanctions and coercive mechanisms are needed. There are at least 3 (three) models of ethics enforcement agencies as a step so that an

effective political party integrity system can be implemented, namely the independent, internal, and combined external and external ethics committee models.

1. The first model is that ethical enforcement is entirely left to external or independent parties without involving internal parties. This model idealizes an expectation that in upholding the party system of integrity, there is no selective bias, and the principles of presumption of innocence, justice, and equality can be guaranteed.
2. The second model is left entirely to the political parties, letting the party determine the institutions, mechanisms, and authorities and the forms of sanctions that will be given.
3. The third model is combined; there are party and external elements so that neutrality and objectivity in upholding the party integrity system can be realized. The three models above have their respective strengths and weaknesses.

Ideally, parties can choose a combination of combined ethical enforcement models to maintain objectivity and avoid conflict of interest. In carrying out ethical enforcement, several things need to be considered or taken into consideration, namely:

1. The enforcement of the political party integrity system is based on the policy structure that the political party has determined as the Political Party Integrity System;
2. Enforcement of the system of the integrity of political parties should not be based on provisions beyond what has been established by political parties;
3. Adhering to the principles of objectivity, the presumption of innocence, fairness, and freedom from intervention or independence;
4. The process can be closed--when it comes to sensitive matters, but it is better to be open so as not to give rise to prejudice; and
5. Parties the party authorizes to uphold the party integrity system are given immunity so they can work objectively and not feel "pressured" or "intervened."

Meanwhile, in terms of sanctions, generally, ethical sanctions are soft or administrative and can be in the form of warnings or reprimands. At the same time, severe sanctions are sanctions in the form of dismissal as members, cadres and party administrators. Meanwhile, the moderate one can be in the form of a temporary suspension from party membership and/or management; and temporarily dismissed from the public office he held.

Following Jimly Asshiddiqie's opinion, he explained the development of the ethical system from ancient to post-modern times. Like the ethical system, in the past, the legal system was not written (unwritten *law*) and was only a mere customary law (*common law*). The law has been written (*written law*) since the introduction of the literacy system and since the development of modern state institutions. Like the legal system, the ethical system also developed from an abstract system of norms usually preached in religious rituals to a more concrete norm system to control and direct the behavior of citizens of a community or members of an organization toward values. Slowly but surely, the ethical system evolved from theological ethics (theological ethics) to something studied in philosophy and science known as ontological ethics (ontological ethics) until there was a need to pour it into a more concrete and systematic codification. In this post-modern era, mainly since the 21st century, a new custom has emerged in various countries and all aspects of work and organization to write down these ideal behavioral principles in a code of ethics and code of conduct more concretely. Idealized together.⁵

⁵ Jimly Asshiddiqie, *Op.Cit*, 2014, hlm. 145.

Political parties, as the main pillars of democracy, respond positively to the aspirations and thoughts of several parties who want to work together to make political parties into modern organizations that are trustworthy and with integrity. The ideals of forming a clean and authoritative government that benefits the community can be realized immediately through regulating party members' code of ethics and discipline. All of this is intended so that the party leaves a good legacy for the development of democracy, both in terms of procedures and substance, so that democratic consolidation can be realized.

C. Conclusion

1. Closing

Based on the results of research and discussion, it can be concluded that: setting the code of ethics and member discipline in each party is carried out through prevention and prosecution efforts with different rules in each party. Prevention efforts are carried out through continuous guidance for ordinary members, members, and party cadres by the party honors division at each level of the party leadership council. Meanwhile, efforts to take action are carried out by the ethics and discipline committee of party members formed by the DPP, whose task is to examine and prove any alleged violations of the party's code of ethics and discipline by party members.

The party ethics and discipline committee is authorized to examine and provide recommendations on whether party members are guilty of violating the code of ethics and/or party discipline on the basis of reports, complaints, or information. Recommendations are accompanied by the type of sanctions that will be imposed on party members who are proven to have violated the code of ethics or party discipline to be submitted to the DPP, which is authorized to impose sanctions through and/or after receiving consideration from the chairman of the honorary division of the party DPP. Violations of the norms contained in the party's AD/ART, party rules, and party policies and decisions include violations of the party's code of ethics and discipline. Party members proven to have violated the party's code of ethics and discipline will be subject to sanctions by the party. The party's ethics and discipline committee decide on the imposition of sanctions on party members who are found guilty in the form of recommendations to the party's DPP through the head of the party's DPP honorary division. The recommendation of the party's ethics and discipline committee contains the identity, the form of the violation committed, the results of the evidence at trial, and the recommended types of sanctions.

2. Suggestions

Based on the conclusions above, suggestions can be made, including:

- a. In carrying out programs related to regulating codes of ethics and discipline for party members or cadres who occupy political positions, it is hoped that this will not be a mere formality. Still, it is carried out seriously by the party.
- b. Parties may not be selective about party members or cadres. By carrying out the program to seriously prevent and eradicate violations of the code of ethics and discipline, the party demonstrates its commitment to setting the code of ethics and discipline for party cadres who occupy political positions.

Bibliography

A. Book

- Asshiddiqie, Jimly, 2008, Prinsip-Prinsip Negara Hukum, Dalam “*Menuju Negara Hukum Yang Demokratis, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi*: Jakarta.
- , 2014, *Peradilan Etik dan Etika Konstitusi: Pespektif Baru tentang Rule of Law and Rule of Ethics & Constitutional Law And Constitutional Ethics*, Jakarta: Sinar Grafika.
- Budiharjo, Mariam, 2003, *Dasar-dasar Ilmu Politik*, Jakarta: PT Gramedia Pustaka Utama.
- , Mariam, 2009, *Dasar-dasar Ilmu Politik*, Edisi revisi, Jakarta: PT Gramedia Pustaka Utama.
- Carlton Clymer Rodee dkk., *Introduction to Political Science*, terj. Zulkifly Hamid, *Pengantar Ilmu Politik*, 2000, RajaGrafindo Persada, Jakarta.
- Charles S. Mack, 2010, *When Political Parties Die, A Cross-National Analysis of Disalignment and Realignment*, California: Praeger.
- Haryanto, 2008, *Partai Politik Suatu tinjauan umum*: Liberty Yogyakarta
- Huda, Uu Nurul. 2018, *Hukum Partai Politik dan Pemilu di Indonesia*, Fokusnesia, Bandung.
- Ibrahim, Johni, 2007, *Teori dan Metodologi Penelitian Hukum Normatif*, cet. III Malang: Bayumedia.
- Imron, Ali, 2012, *Manajemen Peserta Didik Berbasis Sekolah*, Jakarta: Bumi Aksara.
- Keraf, Sonny A. 2002. *Etika Lingkungan*, Penerbit Buku Kompas, Jakarta.
- Kusdarini, Edy. 2011, *Dasar-Dasar Hukum Administrasi Negara*, UNY Press: Yogyakarta.
- Mahendra, Oka 2004, *Prospek Partai Politik Pasca 2004*: Yayasan Pancur Siwah.
- Marbun, S.F. 2012. *Hukum Administrasi Negara I*, FH UII Press: Yogyakarta, 2012.
- Mustafa Lutfi dan M. Iwan Satriawan, 2019, *Risalah Hukum Partai Politik di Indonesia*, Malang: UB Press.
- Rachman, Anwar. 2016, *Hukum Perselisihan Partai Politik*, Gramedia Pustaka Utama, Jakarta.
- Ramadhan, Choky Risda Dkk, 2013, *Panduan Investigasi Pejabat Publik Untuk Masyarakat, Masyarakat Pemantau Peradilan Indonesia*, FH UI Press, Depok.
- Rodee, Carlton Clymer dkk., 2000, *Introduction to Political Science*, terj. Zulkifly Hamid, *Pengantar Ilmu Politik*, RajaGrafindo Persada, Jakarta.
- Sanit, Arbi. 2001. *Perwakilan Politik di Indonesia*, Jakarta: Rajawali Press.
- Sartori, Giovanni, 2005, *Parties And Party Systems, A Framework For Analysis*, Colchester: European Consortium for Political Research Press
- Satriawan, Iwan. 2016, *Metamorfosis Kaum Saraungan*, Pusaka Media, Jakarta, 2016.
- Sholihin, Muhammad, 2003, dkk, *Akhlaq Taswuf: Manusia Etika dan Makn Hidup*, Bandung: Penerbit Nuansa.
- Soekanto, Soerjono dan Sri Mamuji, 2009, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Cetakan ke-11. Jakarta: PT RajaGrafindo Persada.

Tugiman, Hugo. 2012. *Etika Rambu-Rambu Kehidupan*, Kanisius. Yogyakarta.
Koentjaraningrat. 2008. *Kamus Besar Bahasa Indonesia*, Balai Pustaka, Jakarta.

B. Journal

- Evendia, Malicia. 2012. *Implikasi Hak Recall Partai Politik Terhadap Sistem Kedaulatan Rakyat*, *Fiat Justitia Jurnal Ilmu Hukum* Volume 6 No.3 Sept.-Desember 2012.
- Lita Mewengkang dkk, “Peranan Kepemimpinan Perempuan Dalam Jabatan Publik (Studi Pada Kantor Sekretariat Daerah Kabupaten Minahasa Selatan)”, Terdapat dalam <https://media.neliti.com/media/publications/73950-ID-peranan-kepemimpinan-perempuan-dalamjab.pdf> diakses pada Tanggal 15 September 2021 Pukul 01.33 WIB.
- Mahkamah Konstitusi, *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia*, Sekretariat Jendral dan Kepaniteraan Mahkamah Konstitusi, 2010.
- May Lim Charity, “Ironi Praktik Rangkap Jabatan Dalam Sistem Ketatanegaraan Indonesia (*Irony Practices of The Double Duty In The Indonesian State System*)”, dalam <http://e-jurnal.peraturan.go.id/index.php/jli/article/download/81/pdf> diakses pada Tanggal 15 September 2021 Pukul 22.00 WIB
- Muhtadi, *Ringkasan Disertasi: Gagasan Etis Dalam Undang-Undang Dasar Tahun 1945 dan Model Penerapannya*, Program Pascasarjana Program Studi Doktor Ilmu Hukum Universitas Padjadjaran, Bandung: Unpad.
- Nur Qamariah Novita, Penyelesaian Pelanggaran Kode Etik Anggota Dewan Perwakilan Rakyat Republik Indonesia Oleh Mahkamah Kehormatan Dewan, *e Jurnal Katalogis*, Volume 4 Nomor 12, Desember 2016
- Resolusi UN-General Assembly, A/RES/51/59, 28 January 1997. Pada tanggal 12 Desember 1996, Perserikatan Bangsa-Bangsa (PBB) mengadakan Sidang Umum ke-82 dan mengesahkan Resolusi PBB tentang “Action Against Corruption” dengan naskah “International Code of Conduct for Public Officials” sebagai Annex
- Yusdiyanto, 2013, *Telaah Rezim Partai Politik Dalam Dinamika Ketatanegaraan Indonesia*, *Fiat Justitia Jurnal Ilmu Hukum* Volume 7 No. 2, Mei-Agustus 2013.

C. Legislation

- Undang-Undang Dasar Negara Kesatuan Republik Indonesia Tahun 1945
- Undang-Undang Nomor 43 Tahun 1999 tentang Perubahan Atas Undang-Undang Nomor 8 Tahun 1974 tentang Pokok-Pokok Kepegawaian Lembaran Negara Republik Indonesia (LNRI) Tahun 1999 Nomor 169 Tambahan Lembaran Negara Republik Indonesia (TLNRI) Nomor 3890.
- Undang-Undang Nomor 20 Tahun 2001 tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi, Lembaran Negara Republik Indonesia (LNRI) Tahun 2001 Nomor 134 Tambahan Lembaran Negara Republik Indonesia (TLNRI) Nomor 4150.
- Undang-Undang Nomor 14 Tahun 2008 tentang Keterbukaan Informasi Publik, Lembaran Negara Republik Indonesia (LNRI) Tahun 2008 Nomor 61 Tambahan Lembaran Negara Republik Indonesia (TLNRI) Nomor 4846.

Undang-Undang Nomor 2 Tahun 2008 tentang Partai Politik (Lembaran Negara Republik Indonesia Tahun 2008 Nomor 2, Tambahan Lembaran Negara Republik Indonesia Nomor 4801) sebagaimana telah diubah dengan Undang-Undang Nomor 2 Tahun 2011 tentang Perubahan atas Undang-Undang Nomor 2 Tahun 2008 tentang Partai Politik (Lembaran Negara Republik Indonesia Tahun 2011 Nomor 8, Tambahan Lembaran Negara Republik Indonesia Nomor 5189)

D. Website

<https://news.detik.com/berita/d-5243038/sejak-2004-hingga-2020-ada-274-anggota-dpr-dprd-jadi-tersangka-kpk>

<https://pdiperjuangan.id/>, diakses Tanggal 28 April 2022.

<https://www.demokrat.or.id/sejarah-2/>

<https://pks.id/content/sejarah-ringkas>

<https://infopemilu.kpu.go.id/pileg2019/verpol/lengkap/130>