

The Face of the General Elections Commission in The Case of the Code of Conduct 2018-2020

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Paisal Akbar ¹, Mohammad Taufik , Bambang Irawan , Sonny Sudiar 

Abstract

The course of the implementation of the General Election can never be separated from all kinds of ethical and criminal matters that always color in the course of the electoral stage in Indonesia. Several cases of violations of the ethics code and corruption committed by the Commissioners and Secretariat of the KPU at all levels resulted in sanctions imposed by the DKPP against the KPU. Therefore, the results of this study will look at the case of the KPU code of ethics in the DKPP decision for the 2018 to 2020 period, as well as the impact of this decision on election organizers at the KPU. This study using a qualitative descriptive research design. The data used in this study were obtained from literature studies in the form of documents of the results of the verdicts that have been issued by the DKPP obtained through the official portal website of the DKPP, with a period from 2018 to 2020. The document of the decision of the DKPP ethics case was then carefully processed by the author using the application of qualitative data processing Nvivo 12 Plus. The data processing results found that enrichment of the electoral code of conduct by-election organizers in the KPU is still felt less. All parties should highly praise preventive efforts to violate the code of conduct.

Keyword

code of conduct; dkpp; kpu; violations

Introduction

General Elections are a way to uphold the people's sovereignty in choosing leaders ([Izzaty & Nugraha, 2019](#); [Marzuki, 2008](#)). The course of the implementation of the General Election can never be separated from all kinds of ethical and criminal matters that always color in the course of the electoral stage in Indonesia. The performance of election organizers in carrying out their responsibilities professionally is a crucial requirement to realize democratic elections and by the mandate of legislation ([Liany, 2016](#)).

As one of the institutions that conduct elections in Indonesia, the General Elections Commission (Indonesian: Komisi Pemilihan Umum, abbreviated as KPU) must carry out all kinds of stages and mechanisms of elections that have been regulated in the electoral law and the KPU Regulation (PKPU). However, in its implementation, KPU is often faced with lawsuits, both in the conduct's code to other criminal cases and up to bribery cases and corruption.

In settlement of ethical cases, the code of conduct hearing is present to enforce the applicable laws about rules of the code of conduct of election organizers with the Honorary Board of Election Organizers (Indonesian: Dewan Kehormatan Penyelenggara Pemilu, abbreviated as DKPP) as its executor ([Asshiddiqie, 2013](#); [Sekartadi, 2015](#)). Although the investigation of the KPU in dealing with the Code of Conduct case is not new in the body of the country's independent institutions, there are several cases of violations of the code of ethics and corruption committed by the Commissioners and Secretariat of the

Corresponding author:

¹ Paisal Akbar, Master of Government Affairs and Administration, Universitas Muhammadiyah Yogyakarta, Indonesia. E-mail: paisalrabka@gmail.com

KPU at all levels that resulted in sanctions imposed by the DKPP against the KPU.

This shows that the organizers' integrity in enforcing the electoral code of conduct rules is still very far from what it should be; therefore, whether the "Face" of the KPU looks beautiful in ethical matters or vice versa. Therefore, the results of this study will look at the case of the KPU code of ethics in the DKPP decision for the 2018 to 2020 period, as well as the impact of this decision on election organizers at the KPU.

KPU

As one of Indonesia's other independent state institutions, the KPU serves as an election organizer responsible for holding fair and democratic elections ([Liany, 2016](#)). In organizing elections, KPU is obliged to carry out elections on the principle of direct, public, free, confidential, honest, and fair (Luber Jurdil), which then, in the process of organizing, requires that the KPU can meet several principles, namely independent, honest, fair, legal, orderly, open, proportional, professional, accountable, effective, and efficient ([UU 7 Tahun 2017](#)).

Ethical matters in the Electoral process have often been found in every election event in Indonesia. The lack of discipline of an organizer in carrying out his duties and functions causes the organizer to deal with the organizer's code of conduct. The case of the code of conduct of election organizers has been stipulated in the Regulation of the DKPP number 02 of 2017 concerning the Code of Ethics and Code of Conduct of Election Organizers ([Peraturan DKPP 2 Tahun 2017](#)). The Code of Ethics of Election Organizers is a unity of moral, ethical, and philosophical principles that become a code of conduct for Election Organizers in the form of obligations or prohibitions, actions, and speeches that are appropriate or inappropriate by the Election Organizers ([Peraturan DKPP 2 Tahun 2017](#)).

Code of Conduct Case

A philosophical understanding of ethics is an integral part of civilized human life in everyday life, including nationhood and statehood ([Chakim, 2014](#); [Gusfa, Yuliawati, & Wanti, 2019](#)). Moreover, in the realm of moral philosophy, ethics is a fundamental value for everyone; that is why ethics stands as the boundaries of values that can provide a space between the side of good deeds and the side of evil deeds of human beings to other living beings ([Nasef, 2014](#)).

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In organizing elections in Indonesia, Indonesia has been considered able to realize further the implementation of elections that can support a sound integrity system with the presence of DKPP institutions ([Nasef, 2014](#)). Even Nasef, in his research, considers the DKPP very progressive in carrying out its duties and authorities; this can be seen from the many handling of the case of the organizer's code of conduct that the DKPP has handled. The integrity of election organizers in carrying out their mandate is an essential capital in order to be able to present democratic elections ([Asshiddiqie, 2013](#); [Nasef, 2014](#)).

Methods

This study using a qualitative descriptive research design that intended to provide an overview of the problem that becomes the object of research by describing the state of the subject or object studied, whether it is institutions, societies, etc. at the time the phenomenon occurs based on visible facts or as the reality that exists in the field by not involving or connecting it with other variables ([Hadari, 2007](#); [Mentang, 2014](#); [Saputra, Tyesta, & Asy'ari, 2016](#); [Soekanto, 2005](#)).

From the research design determined above, this research only develops concepts, gathers existing facts, and does not conduct hypothesis testing (Rahmatunnisa, Witianti, & Hendra, 2017). The data used in this study were obtained from literature studies in the form of documents of the results of the verdicts that have been issued by the DKPP obtained through the official portal website of the DKPP, with a period of the results of the verdict from 2018 to 2020. The decision document of the DKPP ethics case collected is the case concerned with the KPU, and it amounted to 315 verdicts. The document of the decision of the DKPP ethics case was then carefully processed by the author using the application of qualitative data processing Nvivo 12 Plus, by matching the data needed in order to be presented to readers with the results in the form of tables and data charts that are then discussed with existing theories.

Results and Discussion

KPU Code of Conduct Case

The code of conduct of election organizers is defined as an alignment between moral, ethical, and philosophical norms that are then used as the basis for the behavior of election organizers, which can then be judged as mandatory, prohibited, appropriate, or inappropriate by election organizers in all matters including actions and speeches (Erwinsyahbana, 2015; Peraturan DKPP 2 Tahun 2017). Chakim (2014) mentioned that the code of conduct of election organizers is one of the fundamental aspects for realizing democratic elections based on electoral principles that Luber Jurdil.

In implementing the electoral stage of the code of conduct, a violation gap always occurs, either based on deliberate or done by accident. The emotional upheaval of the technical stage in the lower-level organizers caused many election organizers in the KPU to stumble in ethical matters in the DKPP (Asshiddiqie, 2016). Therefore, the prudence of the organizers in carrying out their duties and enforcing the regulation of the KPU Regulations should be the primary concern (Chakim, 2014).

Table 1. Accumulated Cases of the KPU’s Conduct Code Based on the DKPP Decision Results in 2018-2020

	KPU RI	Provincial KPU	KPU Regency/City	Total
DKPP Verdict	33	44	263	340
Total	33	44	263	340

Source: Crosstab Query Nvivo 12 Plus

In the table above, we can see the accumulation of the total number of ethical cases based on the decisions submitted to the KPU during 2018-2020. Three hundred forty decisions of the code of conduct case ensnared the KPU from various levels, namely KPU RI as many as 33 times, KPU Province as many as 44 times, and KPU Regency/City many 263 times. When compared to the documents of the DKPP decision file analyzed, the total number of verdicts does have a difference in the number. However, the difference in the number between the documents of the results of the verdict amounting to 315 and the accumulated results of a total of 340 occurred due to the existence of several documents resulting from the decision of the DKPP in which it stipulates two or three levels of the KPU as the complained party in the lawsuit.

Figure 1. Election Organizers’ Code of Conduct Hearing



Source: [Dkpp.go.id](http://dkpp.go.id), 2020

The picture above shows the DKPP code of conduct hearing conducted at the Central DKPP Office and in the Election Supervisory Body (Indonesian: Badan Pengawas Pemilihan Umum, abbreviated as Bawaslu) Office of Central Sulawesi Province. In the final result of the verdict, the DKPP also has several classifications of the verdict. The classification of verdict referred to in this study is where the results of the decision of the DKPP are divided into; one, Rejecting Complaints Entirely; two, Granting Complaints About Some; Three, Grant a Complaint To The Whole. Some accumulation of the types of Amar verdict can be seen in the following figure:

Chart 1. Classification Verdict Case Code of Ethics KPU 2018-2020



Source: Crosstab Query Nvivo 12 Plus

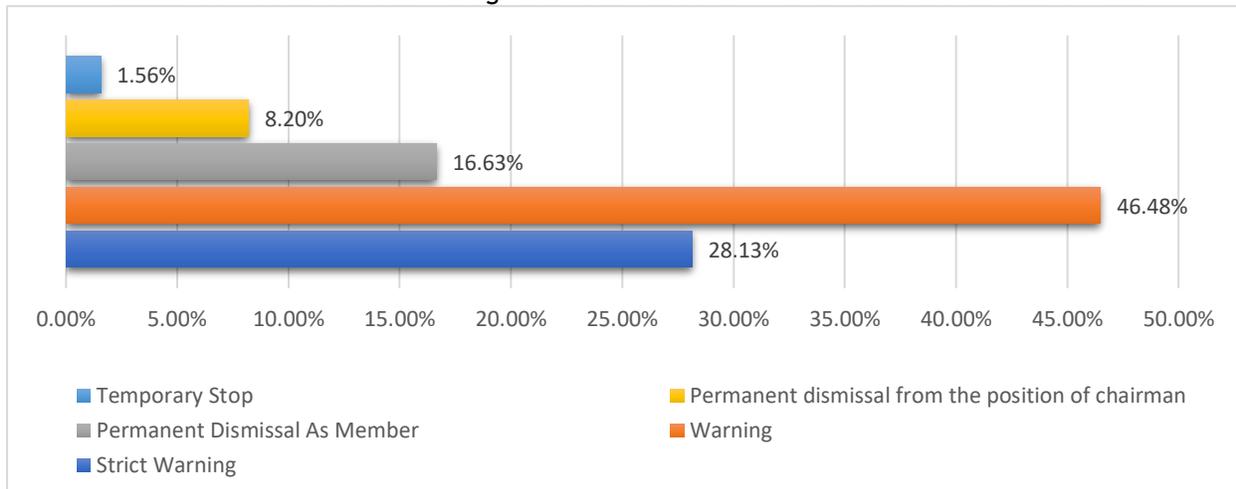
The graph above shows the intensity of the classification of verdicts from 315 results of the Decision of DKPP processed by the author through coding data using the Nvivo 12 Plus application. So showing, the decision granted complaints about some as the classification of the highest verdict with the figure reached 183 verdicts. Furthermore, the classification of the decision rejecting complaints about the whole placed second-most, as many as 110 verdicts. Meanwhile, there is a decision granting classification that complaints all occupy the last position, with 23 verdicts. Thus, the total final classification of decisions given by the DKPP to the case of the conduct's code that befell the KPU from 2018 to 2020 amounted to 316 types of part verdicts. The amount exceeds the number of documents processed coding; this is because one of the award results has two complaint reports with different complaint numbers that cause the final type of verdict to be different, meaning that one decision DKPP can contain two or more types of verdicts.

KPU Code of Conduct Sanctions

Sanctions have the understanding as a dependent in the form of actions or penalties to force a person to apply by the provisions of regulated regulations such as legislation, articles of association, customary law, and so on ([Bafadhol, 2015](#); [Pusat Bahasa Depdiknas, 2004](#)). In the Oxford English Dictionary, sanctions have the understanding as several specific provisions that apply to enforce obedience and compliance with the law; in addition, sanctions are also considered to comply with the law or rules of conduct ([Miyagawa, 1992](#)).

The provisions of sanctions implementation against the case of the code of conduct of election organizers have been stipulated in DKPP RI Regulation No. 02 of 2017. Article 21 states the authority to impose sanctions against election organizers who are proven to violate the code of ethics of election organizers given to the DKPP. The sanctions referred to in article 21 are contained in article 22 paragraph (1), in which the sanctions are written reprimand, temporary dismissal, and permanent dismissal. Then, paragraph (2) explains the sanctions written reprimand divided into two, namely in Warning and Stern Warning. While in paragraph (3), the permanent dismissal sanction is divided into two, namely Permanent Dismissal from the Chairman's Position and or Permanent dismissal as a Member ([Peraturan DKPP 2 Tahun 2017](#)).

Chart 2. KPU Sanctions Percentage Based on the Results of the DKPP Decision 2018- 2020



Source: Crosstab Query Nvivo 12 Plus

Chart 2. shows how the percentage of each sanction given by the DKPP to the KPU. It conducts violations of the code of conduct from 2018 to 2020. The highest percentage of sanctions given was sanctioned in written reprimands in warnings of 46.48% and stern warnings as much as 28.13%. Furthermore, other forms of sanctions, namely permanent dismissal sanctions divided into permanent dismissals as members reached 15.63%, and permanent dismissal from the chairmanship as much as 8.2%. Meanwhile, the temporary suspension sanction is the minor sanction given, which is 1.56%.

Table 2. KPU Sanctions Based on DKPP Decision Result 2018 to 2020

No	DKPP Sanctions	Sum
1.	Temporary Stoppage	4
2.	Permanent Dismissal from Chairman's Post	21
3.	Permanent Dismissal as a Member	40
4.	Commemoration	119
5.	Stern Warning	72
Total		256

Source: Crosstab Query Nvivo 12 Plus

Previously we have seen the percentage graph of sanctions. Table 1.2 above displays the number of sanctions from the DKPP 2018 to 2020 given to the KPU. The total sanctions received by the KPU amounted to 256 sanctions. The most common form of sanctions given by the DKPP to the KPU is a written reprimand sanction in the form of a warning sanction numbering 119 people and a harsh warning sanction amounting to 72 people. In addition, DKPP also sanctioned permanent dismissal both from the chairman and as members of the KPU as many as 40 people, and there were 21 KPU Chairmen who also received permanent dismissal sanctions, and four people were temporarily dismissed. The determination of these sanctions is based on the warning of the decision of the DKPP, which states the complained or reported parties are proven to violate the code of ethics of election organizers ([Peraturan DKPP 3 Tahun 2017](#)).

The Face of the KPU in The Case of the Code of Conduct

In the sanction of dismissal as a member of the KPU by the DKPP, several members of the KPU during the 2018-2020 decision period must receive the dismissal sanction. First, Wahyu Setiawan, who previously served as a Member of the KPU Chairman of the Division of Socialization, Voter Education and Community Participation. Wahyu Setiawan had to remove his organizer's vest and change to the orange vest of the Corruption Eradication Commission (Indonesian: Komisi Pemberantasan Korupsi, abbreviated as KPK) because he was caught accepting bribes for Harun Masiku as a member of the DPR-RI instead of winter-time by requesting operational funds of 900 million rupiahs. The determination of sanctions for the

permanent dismissal of Wahyu Setiawan as a member of the KPU is contained in the decision Number: - 1-PKE-DKPP/1/2020 ([DKPP, 2020b](#); [Kartika, 2020](#)).

The second KPU member who received a permanent dismissal sanction during the 2018-2020 verdict period is Evi Novida Ginting Manik. The case of 317-PKE-DPP/X/2019, considering the verdict, explained Evi Novida Ginting Manik as coordinator of the Technical Division of Election Implementation and Logistics KPU. She has a tremendous ethical responsibility for legal uncertainty and injustice in determining the final results of the general election that cannot be accounted for credibility and validation. Moreover, before his dismissal as a member of KPU, Evi Novida Ginting Manik in the previous case had also been sanctioned with Stern Warning and dismissal as Coordinator of HR, Organization, Training, and R&D Division for allegedly violating the code of conduct, which showed unaccountable performance ([DKPP, 2020a](#); [Fitria Chusna Farisa, 2020](#)). However, the results of the DKPP decision, which has also been followed up with Presidential Decree (Keppres) Number 34/P of 2020, was later sued by Evi Novida Ginting to the State Administrative Court (PTUN) with Case Number 82/G/2020/PTUN. Evi Novida Ginting finally won JKT to be active again as Commissioner of the KPU ([Farisa, 2020](#)).

The imposition of permanent dismissal sanctions on two KPU members at the beginning of 2020 certainly considerably shook the stability of public trust in the general election organizers. It is still fresh to remember the public series of simultaneous elections 2018 and National Elections 2019, which produced high social turmoil, in addition to impacting on the grouping of people to support their respective candidates that ended in a “war of opinion” on social media that is not uncommon in the public domain. Arguments in the socialization of election organizers who proudly stated that they would run the electoral process with Luber Jurdil left a patch of code of conduct in the DKPP.

This certainly can not be allowed; the KPU as the spearhead of the implementation of elections should improve. The number of violations of the code of conduct experienced by the KPU at all levels amounted to 340 times, and sanctions given to the KPU reached 256 times; the next election period should be suppressed increase, even to a minimum should be avoided ([Sinaga, 2016](#)).

Deepening understanding of the code of conduct to the organizers should constantly be improved by maximizing socialization and technical guidance on the regulation and professionalism of the organizers with preventive strategy efforts from the DKPP ([Agung, 2019](#); [Asshiddiqie, 2016](#); [Ridwan, Sardini, & Adnan, 2017](#)). In addition, [Arifudin and Sulthan \(2019\)](#) said the mode of violation of the electoral code of conduct occurs not only because of the single factor of the organizer but also cause of other factors. It concerns election participants, the candidates, and the successful team of the candidates; for that, the future enforcement of understanding related to the code of ethics are encouraged to improve the organizers and the side of the election participants.

Conclusion

The cases accumulation of conduct’s code based on the DKPP decision results in 2018-2020 shows there are 340 decisions given to all levels of the KPU; KPU as many as 33 cases, the Provincial KPU as many as 44 cases, and the KPU Regency/City as many as 263 cases. In terms of classification Amar verdict, the number of classification Amar verdicts shows Granting Complaints About Some as the classification of the highest verdict with the number reached 183 verdicts, followed by the decision Reject complaints All in the second position with 110 verdicts. Meanwhile, the classification of the award granted for all has the least number with 23 verdicts. Furthermore, in the area of sanctions imposed by the DKPP to the KPU, there are 256 sanctions, of which the sanctions are divided into, Warning sanctions as many as 119 times, Stern Warning sanctions as many as 72 times, permanent dismissal sanctions as members as many as 40 times, sanctions permanent dismissal from the chairman’s office as many as 21 times, and temporary dismissal as many as four times.

The figures from the accumulation of cases, classifications of verdicts, and sanctions that have been presented above may show that the case for the electoral code of conduct that was handed down to the KPU still ended up being sanctioned. This indeed confirms that the enrichment of the electoral code of conduct by-election organizers in the KPU is still felt less. Therefore, the face of the KPU in the electoral code of conduct must continue to improve; preventive efforts to violate the code of conduct should

always be highly praised by all parties. So that the KPU can be an election organizing body that, regardless of the lousy face of violations of the code of ethics and the accumulated figures above, can be suppressed lest it is repeated in the next election period.

The 2020 local election will be a tough test for the organizers. During the national disaster of the Covid-19 pandemic, the KPU must hold local elections in 270 regions, divided from 9 provinces, 224 districts, and 37 cities in Indonesia. Of course, implementing health protocols in New Normal activities will make many adjustments to organizing rules from regulation to technical implementation. A lack of in-depth regulatory understanding will increase the risk of tripping election organizers in the code of conduct. This should be the primary concern of all components of election organizers, both KPU, Bawaslu, and DKPP, to formulate regulations that comply with health protocols and make preventive efforts to prevent the risk of violations of the code of conduct that will occur during the current pandemic period.

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