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OPTIMALIZING REGIONAL PEOPLE'S REPRESENTATIVE COUNCIL'S HONORARY BOARD'S DUTIES-AUTHORITIES IN UPHOLDING RULES AND ETHIC CODES

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ABSTRACT

Background: The key to successful regional governance is the DPRD's ability to carry out its functions simultaneously, proportionally and sustainably. In fact, the implementation of DPRD functions does not always run as it should. There is a need for an internal DPRD oversight body to enforce the DPRD's Rules of Procedure and code of ethics. The Ethics Council as one of the permanent apparatuses of the DPRD is expected to be able to guarantee the upholding of the DPRD's rules and code of ethics.
Aim: This research focuses on the reasons for the non-optimal implementation of their duties and authorities.
Method: This legal research uses a non-doctrinal or empirical juridical approach, the type of data used is primary data, secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials. Methods of data collection using interview techniques and literature study. The collected data was then analyzed qualitatively.
Findings: The reason or cause for not optimally carrying out the duties and authorities of the DPRD honorary body in enforcing the DPRD's rules and code of ethics is the existence of internal factors including the tendency to be subjective. There is an opinion within the DPRD that the DPRD's honorary body can act on alleged violations of the rules and regulations.

KEYWORDS

DPRD, ethics council, rules of procedure, code of ethics

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INTRODUCTION

One of the most important issues resulting from democracy in the Indonesian constitutional stage is the regional people's representative institution, known as the Regional People's Representative Council (DPRD) (Asmawi, 2014). The key to successful regional governance is the DPRD's ability to carry out its three main functions, namely legislation, budgeting and oversight, and simultaneous, proportional and sustainable representation. These functions are known as the functions of the legislature. Therefore, it is not an exaggeration to say that the success or failure of representative democracy can be demonstrated through the effectiveness of parliamentarians in carrying out their functions (Asmawi, 2014).

Apart from being an element of regional government administration, DPRD is also supposed to be a medium for democracy for regional government. To carry out its functions, duties, and authorities, it has the accessories as stipulated in Article 163 of the Regional Government Law, that the regency/municipal DPRD's accessories consist of leaders, deliberation bodies, commissions, district/city regional regulation forming bodies, budget bodies, honorary bodies, and other fittings required and formed by plenary meetings.

The DPRD Ethics Council (hereinafter written BK-DPRD) is a permanent part of the DPRD whose members are elected and determined at a plenary meeting based on suggestions from each faction. BK-DPRD has the task of monitoring and evaluating the discipline and compliance of DPRD members with oaths/promises and codes of ethics, researching allegations of violations of oaths/pledges and codes of ethics committed by DPRD members, conducting investigations, verification and clarification of complaints from DPRD leaders, DPRD members, and/or the public, as well as reporting the decision of the honorary body on the results of the investigation, verification and clarification to the plenary session. To carry out this task, the BK-DPRD has the authority to summon DPRD members who are suspected of violating oaths/promises and the code of ethics to provide clarification or defense of complaints of alleged violations committed, request statements from reporters, witnesses or other related parties, including requesting documents or evidence, and impose sanctions on DPRD members who are proven to have violated their oath/pledge and code of ethics.

BK-DPRD originally was the answer to the need of optimizing the implementation of DPRD's duties and functions, bearing in mind that many DPRD members after being elected have not been optimal in carrying out their duties and obligations. Many DPRD members are often absent from meetings, which results in meetings not being held because they do not reach a quorum, are not disciplined in participating in DPRD activities, both in terms of time and dress code, and ethics in expressing opinions at meetings. This situation can certainly disrupt the image of the DPRD institution in the public eye.

This phenomenon also occurs in the Kudus Regency DPRD. Many of the members are often absent from meetings resulting in meetings not being held because they do not reach a quorum even though these meetings are very important to discuss and resolve community issues (Nazaruddin, 2022; Pujangga, 2022). The meetings include plenary meetings, work meetings, hearings, hearings in general. The members were also not being disciplined in participating in DPRD activities both in terms of time, clothing requirements, and ethics in conveying opinions in meetings (Candra et al., 2020). This phenomenon shows that the implementation of the duties and authorities of the BK-DPRD has not been optimal in enforcing the DPRD's rules and code of ethics. BK-DPRD is expected to play a role as guardian of the morale and integrity of DPRD members in carrying out their duties and obligations, bearing in mind that DPRD has a very strategic position and function in the governance system in the region.

Based on the findings of the problems above, this prompted the author to conduct research with the title "Optimalizing regional people's representative council's honorary board's duties-authorities in upholding rules and ethic codes." The purpose of this study is to find out why BK-DPRD of Kudus Regency has not been optimal in carrying out its duties and authorities in enforcing the DPRD's Rules and Code of Ethics, and the efforts that can be made by the DPRD. It is an effort made so that the BK-DPRD of Kudus Regency is more optimal in carrying out duties and authorities in enforcing the DPRD's Rules of Procedure and Code of Ethics. The researcher expected that the results can contribute to a wider range of knowledge regarding DPRD and their ethics implemention.

METHOD

The study used a non-doctrinal or empirical juridical approach. This research is based on normative law (legislation), but does not examine the system of norms in laws and regulations but observes how reactions and interactions occur when the system of norms works in society (Fajar & Achmad, 2013). The types of data used are primary data and secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials. The data collection was conducted using interview and literature study.

The research used descriptive analytical method. It is descriptive analytical in nature because this research is intended to provide a detailed and systematic description of everything, both legislation and legal theories (Hadi, 2014). The analysis used is qualitative data analysis, the data is not presented in the form of numbers or tables, but is presented in the form of detailed stories according to the language and views of the respondents (Hadi, 2014).

Legal Theory

The theories used in analyzing the problems in this study are:

1) Optimization Theory: According to the Big Indonesian Dictionary, optimization comes from the basic word optimal which means the best, the highest, the most profitable, making the best, making the highest, optimizing processes, methods, optimizing actions (making the best, highest, and so on), so optimization is an action, process, or methodology to make something (as a design, system, or decision) more/fully perfect, functional, or more effective (KBBI Online, 2023).
2) Theory of Effectiveness: Effectiveness comes from the basic word effective. According to the Big Indonesian Dictionary, the word effective means effect, influence, result or can bring results. So, effectiveness is activeness, usability, compatibility in an activity of a person carrying out a task with the target set. Effectiveness is basically focused on the level of achievement of results, often or always associated with the notion of efficiency, even though there are actually differences between the two (Mingkid et al., 2017).
3) Law Enforcement Theory: According to Muladi quoted by Wahyudi (2012), law enforcement is an attempt to uphold legal norms and principles as well as the values behind them. Law enforcement officials should really understand the legal spirit *that* underlies legal regulations that must be enforced, related to the various dynamics that occur in the law making process.

RESULTS AND DISCUSSION

Rahardjo, quoted by Wahyudi (2012), distinguished the term law enforcement from the use of law. Law enforcement and the use of law are two different things. People can enforce the law to provide justice, but people can also enforce the law to be used for achieving other goals or interests. Enforcing the law is not exactly the same as using the law.

According to Asshiddiqie (2020), law enforcement is the process of making efforts to uphold or actually function legal norms as guidelines for behavior in traffic or legal relations in the life of society and the state. Viewed from the point of view of the subject, law enforcement can be carried out by a broad subject and can also be interpreted as an effort to enforce the law by the subject in a limited or narrow sense. In a broad sense, the law

enforcement process involves all legal subjects in every legal relationship. Anyone who carries out normative rules or does something or does not do something based on the norms of the applicable legal rules means he is carrying out or enforcing the rule of law. In a narrow sense, in terms of the subject, law enforcement is only interpreted as an effort by certain law enforcement officials to guarantee and ensure that a rule of law operates as it should. In ensuring the enforcement of the law, if necessary, law enforcement officials are permitted to use force. Lawrence Meir Friedman said that the success or failure of law enforcement depends on the substance of the law, legal structure/legal institution, and legal culture, which in detail can be explained as follows (Lalisu, 2012).

Legal Substance

In Lawrence Meir Friedman's theory, this is referred to as a substantial system that determines whether or not the law can be implemented. Substance also means the product produced by people who are in the legal system which includes the decisions they issue, the new rules they draft. Substance also includes living law, not just the rules contained in law books. As a country that still adheres to the installment law system or the continental European system (Although some laws and regulations have also adopted the common law system or Anglo Saxon), it is said that law is written rules, while unwritten rules are not declared law. This system influences the legal system in Indonesia.

One of the influences is the legality principle in the Criminal Code. In Article 1 of the Criminal Code determines "no criminal act can be punished if there are no rules governing it." Whether or not an act is subject to legal sanctions if the act has been regulated in statutory regulations.

Legal Structure/Legal Institution

In Lawrence Meir Friedman's theory, this is referred to as a structural system that determines whether or not something is possible the law is properly implemented. The legal structure based on Law Number 8 of 1981 includes the Police, Prosecutors' Office, Courts, and the Criminal Executing Agency (*Lapas, Lembaga Pemasyarakatan*). The authority of law enforcement agencies is guaranteed by law, so that in carrying out their duties and responsibilities they are free from the influence of government power and other influences.

There is an adage that states "*fiat justitia et pereat mundus*" (Even though the world is collapsing, the law must be upheld). The law cannot work or be upright if there are no law enforcement officials who are credible, competent, and independent (Sitompul et al., 2021). How good is a statutory regulation if it is not supported by good law enforcement officials, then justice is only wishful thinking. The weak mentality of law enforcement officials has resulted in law enforcement not working as it should.

Many factors influence the weak mentality of law enforcement officials, including weak understanding of religion, the economy, non-transparent recruitment processes and so on. So that it can be emphasized that law enforcement factors play an important role in the functioning of the law. If the regulations are good, but the quality of law enforcement is low, there will be problems. Likewise, if the regulations are bad while the quality of law enforcement is good, the possibility of problems arising is still open.

Legal Culture

Legal culture according to Lawrence Meir Friedman is a human attitude towards law and the legal system beliefs, values, thoughts, and expectations. Legal culture is the atmosphere of social thought and social forces that determine how law is used, avoided or misused. Legal culture is closely related to the legal awareness of society. The higher the legal awareness of the community, the better legal culture will be created and can change the mindset of the community regarding law so far. In simple terms, the level of public compliance with the law is an indicator of the functioning of the law.

The Implementation of the Duties and Authorities of the BK-DPRD of Kudus Regency is not optimal in upholding the DPRD's Rules and Code of Ethics

The DPRD compiles a Code of Ethics that must be obeyed by every DPRD member while carrying out their duties to maintain the dignity, honor, image and credibility of the DPRD. Pursuant to Article 126 paragraph (2) of the Government Regulation concerning Guidelines for the Preparation of the DPRD Standing Orders, the provisions regarding the code of ethics contain at least provisions namely obedience in carrying out oaths/pledges, attitudes and behavior of DPRD members, work procedures for DPRD members, relations between government administrators area, the relationship between DPRD members, the relationship between DPRD members and other parties, submission of opinions-responses-answers, obligations of DPRD members, prohibitions for DPRD members, things that are not appropriate for DPRD members, sanctions and imposition mechanisms sanctions, and rehabilitation.

Each DPRD both in the province and in the regency/city has a code of ethics based on (Firdaus, 2017) :

1) Basis Objectivity: Basis that states the code of ethics is impartial, does not win the interests of certain parties, is not prejudiced, and does not depart from assumptions that cannot be rationally accounted for.
2) Basis of Justice: Basis that states the code of ethics treats members in the same situation and in accordance with their respective rights and obligations in a rational manner.
3) Principle of Freedom: The principle which states that the code of ethics is free from coercive interests and places members as autonomous members without violating morality.
4) Solidarity Principle: The principle stating the code of ethics encourages a member to be responsible for the rights and obligations of the members as a whole and may not sacrifice each other for interests that violate morality.
5) Principle of *Ignorantia Juris Neminem Excusat*: The principle which states that ignorance of the code of ethics as a positive law is not a reason for forgiveness for someone who serves as a member.
6) Principle of Rationality: The principle which states that the process of thinking logically and systematically to form and evaluate beliefs about statements.
7) Principle of Morality: The principle which states that an action or opinion can be judged as right, wrong, good, or bad.

Basically the code of ethics has a dual function, namely as protection and development for the profession. The code of ethics functions as a guideline for carrying out professional duties

and a guideline for society as a professional. The functions of a code of ethics include protecting a profession from government interference, preventing internal conflicts within a profession, and protecting practitioners from errors in the practice of a profession (Susanty, 2011).

Even though the council organization already has provisions contained in laws, government regulations, and DPRD regulations, it is still necessary to have a code of ethics that contains written rules based on agreements made by the organization which, if violated, consequently a member will be subject to sanctions.

Based on the results of the interviews, it was found that there are still many in the DPRD of Kudus Regency there are violations of the Rules and Regulations DPRD Code of Ethics carried out by members of the Kudus Regency DPRD, namely:

1) Violating the provisions of Article 105 of the Order of the DPRD of Kudus Regency, namely in the form of an act of not attending meetings physically and on time;
2) Violating the provisions of Article 10 paragraph (2) of the Code of Ethics of the Kudus Regency DPRD, which is in the form of an act of not notifying absenteeism at meetings which is his obligation to the meeting chairperson or faction leader;
3) Violate provisions of Article 116 paragraph (1) DPRD Standing Orders, and Article 10 paragraph (6) Code of Ethics for DPRD Kudus Regency, namely not being polite, being serious about maintaining order and complying with meeting procedures;
4) Violating the provisions of Article 10 paragraph (7) of the DPRD's Code of Ethics, in the form of an act of not dressing in accordance with the provisions of Article 124 of the DPRD Standing Orders of Kudus Regency in attending DPRD meetings; and
5) Violating the provisions of Article 10 paragraph (5) of the Code of Ethics of the DPRD Kudus Regency, which is in the form of signing the meeting attendance list while he is not physically present at the meeting.

Based on the results of the research conducted, the BK-DPRD of Kudus Regency for the 2019-2024 period has never processed or imposed sanctions on Members of the Kudus Regency DPRD who violated the Rules and Ethics of the Kudus Regency DPRD mentioned above.

There are still many violations of the Rules and Regulations DPRD Code of Ethics carried out by members of the Kudus Regency DPRD without taking action shows that the implementation of the duties and powers of the BK-DPRD of Kudus Regency has not been optimal. The implementation of the duties and powers of the BK-DPRD of Kudus Regency in upholding the DPRD's Rules and Ethics has not been optimal due to several factors as follows.

Internal factors

1) The tendency to be subjective: The BK-DPRD of Kudus Regency has a tendency to be subjective, "*ewuh pakewuh*," respecting each other in carrying out their duties and authorities. Feelings of mutual respect and solidarity in the context of enforcing regulations will have a negative impact on the achievement of certain goals in the performance of a person or institution. The attitude of respecting others, being shy, not wanting to bring down or embarrass other people is one of the subjective tendencies that greatly influences the implementation of the duties and powers of the BK-DPRD of Kudus Regency.

2) Elements of BK-DPRD Membership elected from and by DPRD members (Internal): BK-DPRD is a tool established to uphold ethics, but on the other hand BK-DPRD members are also DPRD members proposed by factions. Members of the BK-DPRD are psychologically constrained because the leaders and members come from DPRD members themselves so it is difficult for the BK-DPRD of Kudus Regency to take action regarding violations committed by DPRD members, especially if the perpetrators of the violations are DPRD leaders, it is difficult for the BK-DPRD to summon the leadership of the DPRD to carry out investigations, clarifications, verifications because all letters including invitation letters must be signed by the leadership of the DPRD.
3) There is an assumption/opinion within the DPRD internally that the BK-DPRD can act on alleged violations of the DPRD's Rules of Conduct and Code of Ethics based on complaints from DPRD leaders, DPRD members, and/or the public, so that if there is no complaint then the BK-DPRD cannot act on the violations.
4) Arrangements in the Rules of Procedure, Code of Ethics, and Procedures for the BK-DPRD of Kudus Regency which do not support the BK-DPRD in carrying out their duties and authorities.
    a) In the DPRD Standing Orders there are no specific rules regarding the recruitment of Members of the DPRD Ethics Council. The recruitment of BK-DPRD members is carried out based on Article 63 of the DPRD Standing Orders which does not yet regulate the criteria for DPRD members who can be nominated by each faction to become Members of the DPRD Honorary Body. Article 63 of the DPRD Rules only stipulates that members of the BK-DPRD are selected and determined in a plenary session based on suggestions from each faction. In the provisions of the Kudus Regency DPRD Rules of Conduct there are no specific arrangements regarding the criteria for DPRD members who can be nominated as members of the DPRD Honorary Body. This special rule is needed so that DPRD members who are elected as BK-DPRD members are people with integrity and have a commitment to upholding the DPRD's Rules and Code of Ethics, in order to maintain the dignity of the DPRD.
    b) Article 170 of the DPRD Rules stipulates that outgoing letters, including letters of invitation to DPRD meetings, are signed by one of the DPRD leaders. This provision has the potential to create a conflict of interest if the alleged violation of the DPRD's Rules of Procedure and Code of Ethics is the DPRD leadership itself, or DPRD members who are politically or personally close to the DPRD leadership. BK-DPRD meetings for evaluation, verification, or clarification either to DPRD leaders or DPRD members who are suspected of violating the DPRD's Rules of Conduct and Code of Ethics, or to complainants, witnesses, have the potential to not take place because the letter/invitation was not signed by the leadership DPRD.
    c) The Code of Ethics for the DPRD of Kudus Regency has not yet been explicitly regulated for the types of violations of the DPRD's Rules of Procedure and Code of Ethics which can be enforced without having to go through complaints, and the types of violations of the DPRD's Rules of Conduct and Ethics which can be enforced through complaints as stipulated in the laws and regulations. invitation.

The BK-DPRD Procedures for the Kudus Regency also have not regulated explicitly and in detail regarding the procedures for carrying out the duties and powers of the BK-DPRD which are carried out not through complaints. The BK-DPRD Procedures only regulate in detail and detail regarding how the duties and powers of the BK-DPRD are carried out through complaints, namely complaints provisions, complaint mechanisms, research mechanisms and complaint examinations.

Based on the regulatory model of the Kudus Regency DPRD Code of Ethics and Procedures as mentioned above, it creates strong assumptions/opinions/thoughts within DPRD internal circles that a violation of the DPRD's Rules of Conduct and Ethics can only be processed/actions if there is a complaint.

External Factors

1) Weak Oversight: Weak oversight by members of the BK-DPRD of Kudus Regency and the community has resulted in the enforcement of the rules and code of ethics not being optimal. BK-DPRD members who are DPRD members must supervise fellow DPRD members and friends of the same faction or commission, making it difficult for the BK-DPRD to act to carry out enforcement. Parties who are aware of violations committed by DPRD leaders or members are not active in making complaints to the DPRD Ethics Council. The absence of complaints causes the BK-DPRD to be less than optimal in taking action against violations of the code of ethics committed by DPRD leaders or members.
2) The existence of political intervention: Intervention comes from the Latin *intervenire*, which means "to be present between or interrupt." Political intervention is interference in carrying out actions so as to influence decision making (Yakin et al., 2020). Political intervention that tends to occur in government institutions and even people's representative institutions hinder the development of the state and society in achieving optimal results The tendency to cover up something that is not good or justify what should not be justified and do what should not be done makes the performance of a person or an institution not work according to expectations.

Based on the results of research on the reasons for not optimal implementation of the duties and authorities of the BK-DPRD as described above, when viewed from the perspective of optimization theory, effectiveness theory, and law enforcement theory can be explained as follows.

1) Optimization Theory and Effectiveness Theory: According to Poerwadar Minta quoted in Rattu et al. (2022), optimization is the result that is achieved as desired, so optimization is the achievement of results as expected effectively and efficiently. Many optimizations are also interpreted as a measure where all needs can be met from the activities carried out.

   According to Ravianto quoted in Mingkid et al. (2017), effectiveness is how well the work is done, the extent to which people produce output as expected. This means that if a job can be completed with planning, both in terms of time, cost and quality, then it can be said to be effective.

According to Agung Kurniawan quoted in Mingkid et al. (2017), effectiveness is the ability to carry out tasks, functions (operations, program activities or missions) of an organization or the like with no pressure or tension between its implementation.

Referring to the theory above, the implementation of the duties and authorities of the BK-DPRD of Kudus Regency has not gone well as expected or desired, because there are still many violations of the rules and code of ethics in the form of violating provisions to attend meetings physically and on time, violating the provisions of notifying absences from meetings which are his obligation to the chairman of the meeting, violating the obligation to be polite, serious, maintaining order and complying with meeting procedures, violating the provisions on dressing to attend meetings, violating the provisions on signing the list of attendance meetings while he is not physically present physically in meetings, and does not attend plenary meetings and/or meetings of DPRD accessories which are his duties and obligations 6 (six) times in a row without a valid reason.

2) Law Enforcement Theory : Lawrence M. Friedman argues that the effectiveness and success of law enforcement depends on three elements of the legal system, namely the structure of the law, substance of the law and legal culture (Margono, 2017).

The legal system according to Lawrence M. Friedman quoted by Saputra and Madril (2020) is a combination of components:

a) The legal/institutional structure is created by the legal system with various functions in order to support the operation of the legal system. This component makes it possible to see how the legal system provides services for the regular processing of legal materials;
b) Legal substance as the output of the legal system in the form of regulations and decisions that are used both by the governing party and also the regulated party; and
c) Legal culture which consists of values and attitudes that influence the operation of law or by Lawrence M. Friedman is also known as legal culture. It is this legal culture that functions as a bridge in connecting legal regulations rule) with the legal behavior of all citizens.

The three components of the legal system put forward by Lawrence M. Friedman, if related to the causes of the non-optimal implementation of the duties and authorities of the BK-DPRD of Kudus Regency in enforcing the DPRD's Standing Orders and Code of Ethics as described above, then this theory is relevant to the reasons/causes not yet optimal implementation of the duties and authorities of the BK-DPRD of Kudus Regency in enforcing the DPRD's Standing Orders and Code of Ethics with the following data and explanation:

1) Reasons/Causes of Regulations/Legal Substances: The reasons for not optimally implementing the duties and powers of the BK-DPRD of Kudus Regency caused by regulations or legal substances are as follows:
   a) There are no specific rules regarding the recruitment of BK-DPRD members, the recruitment of BK-DPRD members is carried out based on Article 63 of the DPRD Standing Orders which does not yet regulate the criteria for DPRD members who can be nominated by each faction

to become Members of the DPRD Honorary Body. Article 63 of the DPRD Rules only stipulates that members of the BK-DPRD are selected and determined in a plenary session based on suggestions from each faction. In the provisions of the Kudus Regency DPRD Rules of Conduct there are no specific arrangements regarding the criteria for DPRD members who can be nominated as members of the DPRD Honorary Body. There are no special rules regarding the recruitment of BK-DPRD Members in the Law on Regional Government, Government Regulations concerning Guidelines for the Preparation of DPRD Standings, as well as in the Standing Orders of the DPRD of Kudus Regency, it is difficult to get BK-DPRD Members who have integrity and are committed to upholding the Rules and Regulations DPRD Code of Ethics, in order to maintain the dignity of DPRD.

b) In Article 170 DPRD Rules stipulates that outgoing letters, including letters of invitation to DPRD meetings, are signed by one of the DPRD leaders. The formulation of the provisions in Article 170 of the DPRD Standing Orders which stipulates that DPRD letters can only be signed by the DPRD leadership, has the potential to cause a conflict of interest if the alleged violation of the DPRD's Standing Orders and Code of Ethics is the DPRD leadership itself, or DPRD members who are politically or personally have a close relationship with the DPRD leadership. BK-DPRD meetings for evaluation, verification, or clarification either for DPRD leaders or DPRD members who are suspected of violating the DPRD Standing Orders and Code of Ethics, or for Complainants, witnesses, have the potential to not take place because the letter/invitation was not signed by the DPRD leadership.

c) The Code of Ethics for the DPRD of Kudus Regency has not yet been explicitly regulated for the types of violations of the DPRD's Rules of Procedure and Code of Ethics which can be enforced without having to go through complaints, and the types of violations of the DPRD's Rules of Conduct and Ethics which can be enforced through complaints as stipulated in the laws and regulations. invitation. The BK-DPRD Procedures for the Kudus Regency also have not regulated explicitly and in detail regarding the procedures for carrying out the duties and powers of the BK-DPRD which are carried out not through complaints. The BK-DPRD Procedures only regulate in detail and detail regarding how the duties and powers of the BK-DPRD are carried out through complaints, namely complaints provisions, complaint mechanisms, research mechanisms and complaint examinations. There is no strict regulation on the types of violations of the DPRD's Rules of Procedure and Code of Ethics that can be enforced without having to go through complaints, and the types of violations of the DPRD's Rules of Procedure and Code of Ethics that can be enforced through complaints as stipulated in laws and regulations, raises assumptions/ a strong opinion/thought within

DPRD internal circles that a violation of the DPRD's Standing Orders and Code of Ethics can only be taken action if there is a complaint.

2) Reasons/Institutional Reasons/Legal Structure: The reasons for the not yet optimal implementation of the duties and authorities of the BK-DPRD of Kudus Regency caused by institutional/legal structures are as follows:
   a) BK-DPRD members come from DPRD members who are proposed by factions. Members of the BK-DPRD who are also members of the DPRD are psychologically constrained because their leaders and members come from DPRD members themselves, so it is difficult for the BK-DPRD to take action regarding violations committed by DPRD members.
   b) Political intervention: Political intervention that tends to occur in government institutions and even people's representative institutions hinders the development of the state and society in achieving optimal results. The tendency to cover up something that is not good or justify what should not be justified and do what should not be done makes the performance of a person or an institution not run as expected.
3) Reasons/causes for Culture: The reasons for the not yet optimal implementation of the duties and authorities of the BK-DPRD of Kudus Regency caused by culture/culture are as follows:
   a) Subjective tendencies in carrying out their duties and authorities, feelings of mutual respect, "*ewuh pakewuh*" and solidarity among DPRD members. Feelings of mutual respect, ewuh pakewuh mutual respect, not wanting to bring down or embarrass other people and solidarity among DPRD members, are subjective tendencies that greatly affect the implementation of the duties and powers of the BK-DPRD DPRD Kudus Regency and have a negative impact on the organization. With this tendency for subjective attitudes, violations of the DPRD's Rules of Procedure and Code of Ethics committed by DPRD Leaders/Members are not prosecuted or resolved in accordance with existing regulations.
   b) There is an assumption/opinion within the DPRD internally that the BK-DPRD can act on alleged violations of the Standing Orders and the Code of Ethics based on complaints from DPRD leaders, DPRD members, and/or the public.
   c) There is an assumption/opinion within the DPRD internally that the BK-DPRD can act on alleged violations of the Standing Orders and Code of Ethics based on complaints from DPRD leaders, DPRD members, and/or the public, causing violations of the DPRD Standing Orders and Code of Ethics committed by DPRD Leaders/Members enforcement is not carried out on the grounds that there are no or no complaints from the public.

DPRD Efforts So that the BK-DPRD of Kudus Regency more optimally carries out its duties and authorities in enforcing the DPRD's Rules and Code of Ethics

Practices and performance in carrying out the duties and powers of the Ethics Council are not only with the norms that do not take real politics into account. The criticism leveled at the performance of the Honorary Board is the difficulty of separating politics and morals. Because, public understanding of politics is still not based on reflection on the implementation of the Code of Ethics, so it seems as if political ethics are becoming less relevant. The relevance of political ethics lies in its ability to manage that power and regulate group interests by building more just political institutions. In this case, a member of the Honors Council should ideally master Political Philosophy, Legal Philosophy and Legal Studies as a form of in-depth reflection that allows political life to reveal its structures, meanings and values ethically (Evirayanti, 2017).

The ethics-based oversight system run by the Honorary Board is something new in the political structure in Indonesia. In a democratic system, this ethics-based oversight system will be critical of the manipulation of ideas, values, and opinions that make it difficult to distinguish between issues and facts. Consistently, the Honorary Board seeks to implement an ethics-based oversight system by adhering to at least 3 (three) things, namely the Honorary Board tries to distance itself and be critical of political realities; The Honors Board always works to examine values, including moral values in the code of ethics; and the Ethics Council remains in perspective about the purpose of the code of ethics being implemented in the DPRD (Evirayanti, 2017). Therefore, efforts are needed to optimize the implementation of duties and authorities in enforcing the DPRD's Rules and Code of Ethics. Efforts that can be made by the DPRD so that the BK-DPRD of Kudus Regency can more optimally carry out their duties and authorities in enforcing the DPRD's Rules and Ethics Code are as follows.

Make Changes to the Rules of Procedure, Code of Ethics, and Procedures of the BK-DPRD of Kudus Regency

1) Changes to the Standing Orders of the Kudus Regency DPRD: To support the Ethics Council in carrying out its duties and authorities, several provisions in the Standing Orders of the Kudus Regency DPRD that need to be amended/improved are as follows:
   a) Improving the Provisions Governing the Recruitment of Members of the BK-DPRD of Kudus Regency: The DPRD Honorary Body is one of the DPRD's complementary tools which has a very strategic function in maintaining the dignity, dignity and prestige of the DPRD institution. The importance of these roles and functions requires that DPRD members who are elected as members of the BK-DPRD have sufficient commitment, integrity, capacity and capability in order to be able to take action against violations of the code of ethics committed by DPRD leaders/members in a firm and wise manner.

      The recruitment of BK-DPRD members is regulated in Article 63 of the Order of the DPRD of Kudus Regency which only stipulates that BK-DPRD members are selected and determined in a plenary session based on suggestions from each faction.

      In an effort to obtain members of the BK-DPRD of Kudus Regency who have sufficient commitment, integrity, capacity and capability, it is necessary to

formulate special requirements for DPRD members who can be nominated by each DPRD faction to become members of the DPRD Honorary Board, namely the conditions that support the achievement of integrity, capacity and capability for members of the DPRD Honorary Board.

b) Changing the Provisions of Article 170 Paragraph (1) of the Standing Orders of the DPRD of Kudus Regency: Article 170 paragraph (1) of the Standing Orders of the Kudus Regency DPRD stipulates that outgoing letters, including invitation letters to DPRD meetings, are signed by one of the DPRD leaders. This provision has the potential to create a conflict of interest if the alleged/complained violation of the Rules of Conduct and the Code of Ethics is the leadership of the DPRD itself, or DPRD members who are politically or personally close to the DPRD leadership. BK-DPRD meetings for evaluation, verification, or clarification either to DPRD leaders/DPRD members suspected of violating the DPRD's Rules of Conduct and Code of Ethics, or to complainants, witnesses, or related parties have the potential to not take place because the invitation was not signed by the leadership DPRD.

   In order to support the BK-DPRD of Kudus Regency in carrying out its duties and authorities, it is necessary to amend the provisions of Article 170 paragraph (1) referred to by providing an exception, namely the BK-DPRD can issue letters/invitations to the leaders/members of the DPRD suspected/debated, complainants, witnesses, for the purposes of evaluation, research, investigation, verification, and clarification of alleged violations of the DPRD's Rules of Procedure and Code of Ethics, which is signed by the Chair or Deputy Chairperson of the DPRD Ethics Council.

c) Changing/refining the Code of Ethics of the Kudus Regency DPRD: In carrying out its functions, the Kudus Regency DPRD needs to have an ethical or philosophical foundation that regulates attitudes and behavior, work procedures, the relationship between regional government administrators and between members of the Regional People's Representative Council as well as with other parties, delivery of opinions, responses, answers, and rebuttals, obligations, prohibitions, things that should not be done, sanctions and mechanisms for imposing sanctions, as well as rehabilitation, as regulated in the Code of Ethics of the DPRD of Kudus Regency.

   To support the BK-DPRD of Kudus Regency in carrying out its duties and authorities, it is necessary to improve the Code of Ethics of the Kudus Regency DPRD, as follows:

   1) The provisions in the Code of Ethics of the DPRD Kudus Regency must emphasize the types of ethical violations that must be prosecuted through complaints (The BK-DPRD is passive), and the types of violations that are prosecuted without having to go through complaints (The BK-DPRD are active) . So that there is no longer any opinion that violations of the DPRD's Code of Ethics can only be dealt with if there are complaints.

2) In the Code of Ethics of the Kudus Regency DPRD, sanctions in the form of verbal warnings, written warnings, and dismissal as Leaders of the DPRD's Complementary Instruments are only conveyed to the leaders of the Factions and Political Parties of the members of the DPRD concerned, so there is no accountability to the public/constituents.
3) In the Code of Ethics for DPRD Kudus Regency, it is necessary to formulate sanctions in the form of verbal warnings, written warnings, and dismissal as Leaders of DPRD Completeness Instruments. Apart from being conveyed to the Leaders of the factions and political parties concerned, they are also published to the public, so that they can create a more deterrent effect on DPRD members who commit violations, as well as a form of accountability to the community/constituents.
4) In the Code of Ethics of the DPRD of Kudus Regency, it is necessary to formulate that the enforcement of the Code of Ethics includes preventive and enforcement actions. Prevention efforts are carried out by giving appeals, outreach, sending circulars, or other methods determined by the DPRD Honorary Board, while action is carried out by the BK-DPRD based on the Procedures for the DPRD Honorary Body.

2) Changing the Procedures of the BK-DPRD of Kudus Regency: The BK-DPRD is a complementary organ of the DPRD which has the authority to conduct examinations of alleged violations of the DPRD's Rules of Procedure and Code of Ethics. In carrying out the examination process for the alleged violations, the BK-DPRD is guided by the Procedures for the DPRD Honorary Body.

In order to support the BK-DPRD of Kudus Regency in carrying out its duties and authorities, it is necessary to amend the procedures for the BK-DPRD of Kudus Regency as follows:

a) In Chapter IV, Article 6 to Article 21 of the Procedures for the BK-DPRD of Kudus Regency which regulates the Procedures for the Implementation of the Duties and Authorities of the Honorary Board, only regulates Complaints, Complaint Mechanisms, Complaint Research and Examination Mechanisms, Complaint Examination Mechanisms, Statements of Evidence complaint.

The provisions on the procedures for carrying out the duties and powers of the Ethics Council as mentioned above give rise to the assumption/opinion of DPRD members that the enforcement of violations of the DPRD's Rules of Procedure and Code of Ethics must be resolved through complaints, without complaints of violations of the Standing Orders and Code of Ethics cannot be processed.

In the Procedures of the BK-DPRD of Kudus Regency, it is necessary to strictly regulate the procedures for carrying out the duties and powers of the Ethics Council through a complaint mechanism (passive nature of the DPRD Ethics Council), and how to carry out the duties and powers of the Ethics Council not through complaints (active nature of the Ethics Council of DPRD).

b) The subjective tendency of BK-DPRD Members in carrying out the duties and authorities of the DPRD Honorary Body, feelings of mutual respect, respect and solidarity become obstacles to the implementation of the duties and authorities of the DPRD Honorary Body. In order to minimize subjectivity in carrying out the duties and powers of the BK-DPRD, it is necessary to formulate provisions in the BK-DPRD Procedures so that in the prosecution of ethical violations, the BK-DPRD involves experts or other parties who have capacity and are neutral.

The DPRD's efforts so that the BK-DPRD of Kudus Regency can more optimally carry out their duties and authorities in enforcing the DPRD's Rules of Procedure and Code of Ethics as described above, are relevant to the theory of the legal system put forward by Lawrence M. Friedman which can be explained as follows.

1) Legal/regulatory substance related to DPRD Ethics Council :
   a) Amend or improve the provisions in the Kudus Regency DPRD Rules, as follows:
      1) Refine the provisions governing the recruitment of members of the BK-DPRD Kudus Regency. In an effort to obtain members of the BK-DPRD of Kudus Regency who have sufficient commitment, integrity, capacity and capability, it is necessary to formulate special requirements for DPRD members who can be nominated by each DPRD faction to become members of the DPRD. DPRD Honor, namely the conditions that support the achievement of integrity, capacity and capability for members of the DPRD Honorary Board.
      2) Changing/refining the Provisions of Article 170 paragraph (1) of the Orders of the DPRD of Kudus Regency. In order to support the BK-DPRD of Kudus Regency in carrying out its duties and authorities, it is necessary to amend the provisions of Article 170 paragraph (1) referred to by providing an exception, namely the BK-DPRD can issue letters/invitations to the leaders/members of the DPRD suspected/debated, complainants, witnesses, for the purposes of evaluation, research, investigation, verification, and clarification of alleged violations of the DPRD's Rules of Procedure and Code of Ethics, which is signed by the Chair or Deputy Chairperson of the DPRD Ethics Council.
      3) Changing/refining the Code of Ethics of the DPRD of Kudus Regency: (1) The provisions in the Code of Ethics of the Kudus Regency DPRD must emphasize the types of ethical violations for which action must be taken through complaints (the BK-DPRD is passive), and the types of violations which are prosecuted without having to go through complaints (the BK-DPRD are active). So that there is no longer any opinion that violations of the DPRD's Code of Ethics can only be dealt with if there are complaints. (2) In the Code of Ethics for the DPRD of Kudus Regency, it is necessary to formulate sanctions in the form of verbal warnings, written warnings, and dismissal as Leaders of the DPRD's Complementary Instruments. Apart from being conveyed to the Leaders of the factions and political parties concerned, they are also published to the public, so that they can create a more deterrent effect on members. DPRD who commit violations, as well as a form of accountability to the community/constituents.

2) Legal Structure/Institution of the DPRD Ethics Council: As an institution that functions to evaluate discipline and/or compliance with the morals, code of ethics, and/or DPRD disciplinary regulations in order to maintain the dignity, honor, image, and credibility of the DPRD, the BK-DPRD is still not optimal in carrying out their duties and authorities, because there are still many violations of the Rules of Conduct and the Code of Ethics that have not been taken into account.

   To enhance the role of the BK-DPRD as an enforcement agency for the Order and Code of Ethics, it is necessary to increase the competence and commitment of members of the Honorary BK-DPRD by strengthening the requirements to become members of the DPRD Honorary Body , as well as making improvements or changes to the Order and Code of Ethics, as well BK-DPRD Procedures to strengthen the BK-DPRD Institution in enforcing the Rules and Code of Ethics.

3) Legal culture/opinions/thoughts/perceptions within DPRD: Legal culture is a component of the legal system that is related to perceptions and legal behavior applied by society. In relation to the implementation of the Duties and Authorities of the DPRD Ethics Council, the legal culture represents how the DPRD perceives violations of the DPRD's Rules of Procedure and Code of Ethics.

   The implementation of the duties and authorities of the BK-DPRD of Kudus Regency is constrained by the subjective tendency of members of the BK-DPRD in carrying out the duties and authorities of the DPRD Honorary Body , feelings of mutual respect, respect among fellow DPRD members, and the existence of a paradigm/opinion that the BK-DPRD can act on suspicion violations of the Rules and Code of Ethics based on complaints from DPRD leaders, DPRD members, and/or the public, so that if there are no complaints, the BK-DPRD cannot act on these violations. This culture/culture is the reason/cause of the not yet optimal implementation of the duties and authorities of the DPRD Ethics Council. To overcome the above, efforts can be made, namely:

   a) Subjective tendencies of BK-DPRD Members in carrying out the duties and authorities of the BK-DPRD, feelings of mutual respect, respect and solidarity are obstacles to the implementation of the duties and powers of the BK-DPRD. In order to minimize subjectivity in carrying out the duties and powers of the BK-DPRD, it is necessary to formulate provisions in the BK-DPRD Procedures so that in the prosecution of ethical violations, the BK-DPRD involves experts or other parties who have capacity and are neutral.
   b) the BK-DPRD Procedures it is emphasized regarding the provisions for types of ethical violations whose action must be through complaints (the BK-DPRD is passive), and types of violations whose action is without having to go through complaints (the BK-DPRD is active). So that there is no longer any opinion that violations of the DPRD's Code of Ethics can only be dealt with if there are complaints.

CONCLUSION

The reasons or reasons for not optimally implementing the duties and authorities of the BK-DPRD of Kudus Regency in enforcing the DPRD's Standing Orders and Code of Ethics are due to several factors, namely internal and external factors.

Internal factors include the tendency to be subjective, there is an opinion within the DPRD internally that the BK-DPRD can act on alleged violations of the Rules and Code of Ethics only based on a complaint, the membership elements of the BK-DPRD are elected internally from and by members of the DPRD, and the arrangements in the Standing Orders , Code of Ethics, BK-DPRD DPRD Procedures that do not support efforts to enforce the Rules and Code of Ethics by the BK-DPRD of Kudus Regency. External factors include weak supervision by members of the BK-DPRD and the community, as well as political interference.

Efforts that can be made by the DPRD, so that the BK-DPRD of Kudus Regency is more optimal in carrying out its duties and authorities in enforcing the DPRD's rules and code of ethics are to change the DPRD's Rules of Conduct, the DPRD's Code of Ethics, and the Procedures of the BK-DPRD of Kudus Regency.

As for suggestions that the researcher can recommend from the results of this study, the DPRD of Kudus Regency should make changes or improvements to the DPRD Rules of Procedure, the DPRD Code of Ethics, and the DPRD Kudus Regency Procedures in order to support the BK-DPRD in carrying out its duties and authorities.

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