



Strengthening the Position of the Honored Council of Election Organizers (DKPP) in the Indonesian State System Analysis of the Effectiveness of Enforcement of the 2024 Post-Election Organizer Code of Ethics Study: Normative

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Abstract: This research examines the strengthening of the position of the Honorary Council of Election Organisers (DKPP) in the Indonesian constitutional system, focusing on the enforcement of the code of ethics after the 2024 elections. Through normative research methods and literature studies, the research found that DKPP has worked quite effectively so far and needs to be developed and maintained. DKPP has proven to be an independent institution with final and binding decisions, having an equal position with the KPU and Bawaslu in the system of checks and balances. The study reveals the urgency of transforming DKPP into an Election Court, which requires the 5th amendment of the 1945 Constitution to include DKPP in the judicial power according to article 24. Despite facing institutional, regulatory and operational challenges, the study concludes that strengthening DKPP requires a comprehensive approach and multi-stakeholder support to realise more effective and sustainable code of ethics enforcement in the Indonesian constitutional system. **Keywords:** DKPP, Election Code of Ethics, Constitutional System, Election Court, Election Organiser, 1945 Constitutional Amendment.

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INTRODUCTION

The state is a symptom of human life throughout human history. The concept of the State develops from simple to complex. As a form of organization of collective life in society, the State has always been the center of attention and object of study along with the development of human knowledge. The state is a construction created by mankind regarding the pattern of relations between humans in social life which is organized in such a way for the purpose of fulfilling interests and achieving common goals.

The formation of a State originates from the goals and ideals of the nation's founders. The Indonesian state itself has national goals and ideals which are stated in the Preamble to the

1945 Constitution of the Republic of Indonesia. One of the ideals that has been formulated in the preamble to the 1945 Constitution of the Republic of Indonesia is a sovereign State. As a form of realization of people's sovereignty within the framework of democratization, the holding of regular General Elections (Pemilu) is based on principles that are directly general, free of secrets, honest and fair, or usually abbreviated as *luber jurdil*.

Elections are a mandate from the constitution which must be implemented by the government, in this case ensuring and protecting the implementation of people's sovereignty in channeling their political rights in elections. Elections as a practice of exercising power and government must be based on just legal principles and beneficial values. One of the basic principles of a democratic rule of law is the provision of fair guarantees for the people in expressing their sovereignty.

General Elections (Pemilu) are one of the fundamental human rights of citizens, because in implementing human rights it is a necessity for the government to carry out elections. Elections are an absolute requirement for a democratic country to implement popular sovereignty. The implementation of elections is the will of the Indonesian people to strengthen itself as a democratic country. The first election in 1955 was held in a situation where the Indonesian nation was defending its independence. In general assessment, the 1955 election was an ideal election because it was democratic.

One of the democratic determining aspects of an election is the existence of an election organizing body or institution. International standards state that election organizing institutions must carry out all election activities independently, transparently and impartially. In carrying out its functions, the institution must adhere to principles, be measurable and be based on regulations. Election organizing institutions must prioritize professionalism, work effectively and efficiently, and make quick and correct decisions. The credibility of election organizing institutions is determined by public confidence in what they do from the first stage of the election (voter registration) to the final stage (inauguration of elected candidates).

Every time an election is held, problems or violations often arise. These problems arise due to dissatisfaction with the election organizers, in this case the General Election Commission (KPU), such as decisions or policies that are inappropriate and detrimental to election participants, lack of accuracy in vote counting, and indications of partiality towards one of the election participants. Problems also arise due to irregularities and fraud committed by election participants, such as falsifying identities, intimidation and money politics towards voters. If these problems are left unchecked and a clear and firm resolution mechanism is not provided, they will disrupt the smoothness and success of the election and result in low credibility and legitimacy of the election. In turn, it can threaten and ignore the constitutional rights of election participants and society in general.

The implementation of elections is so important in a democratic country, that the public has high hopes for improvements in the implementation of elections. Therefore, the government began to form the Honorary Council for General Election Organizers (DKPP), which is specifically to balance and supervise (check and balance) the performance of the KPU and Bawaslu and their staff. DKPP is tasked with examining and deciding on complaints and/or reports of alleged violations of the code of ethics committed by election organizers. The formation of DKPP is based on Law Number 15 of 2011 article 109 concerning Election Organizers. Where in this case the discussion is about the Honorary Council for Election Organizers (DKPP) in the Indonesian constitutional system, especially in the context of enforcing the 2024 post-election code of ethics. From the explanation above, the position of the Honorary Council for Election Organizers (DKPP) is as an auxiliary State institution or State institution independent support.

DKPP focuses on resolving the ethics of holding elections that are violated by elements of election organizers. Meanwhile, DKPP does not interfere in the technical implementation of

elections, from the start of the general election stages to voting and even to the results of vote counting, however, DKPP focuses more and emphasizes on maintaining so that election organizers continue to comply with and follow professional ethics in the implementation of election administration. Then DKPP also does not take sides with any institution and is neutral and independent whether there are reports or complaints coming from members of election organizers, from political parties, or from the public as voters in general elections. So it can be said that the state administration system related to elections is supported by an ethical system that is also functional. So an understanding can be drawn that the DKPP, KPU, and Bawaslu all have equal positions regarding the implementation of elections as explained in Article 22 E paragraph (5) of the 1945 Law.

The nature of the DKPP decision has been described in several articles contained in DKPP regulation number 1 of 2021, namely that the decision is final and also binding (final and binding), where the implementation of the decision becomes firm and Bawaslu has the authority to supervise the results of the decision. .

This is as stated in the rules for organizing elections, Law 15/2011, namely in Article 112. The DKPP is a state institution whose position is that of an assistant or supporter who has a neutral, impartial and independent position, so that in the existing constitutional system in Indonesia it can He said that DKPP is an independent supporting state organ. DKPP has a main focus and function in the form of maintaining and ensuring that election organizers remain on the correct code of ethics.

Bearing in mind that the position of the election organizer is an important position in the ongoing general election activities which include the voice of the people's sovereignty. The nature of the decision determined by the DKPP is final and binding and is read out in an open Plenary session witnessed by the public. So the DKPP's decision is a manifestation of maintaining a code of ethics for election organizers in Indonesia that is fair and is really needed by this nation to create state administrators who are ethical and have integrity in carrying out their duties because there are those who supervise.

In Article 110 paragraph (1) of Law no. 15 of 2011 concerning the Implementation of General Elections explains that the DKPP prepares and establishes a code of ethics to maintain the independence, integrity and credibility of KPU members, Provincial KPU members, Regency/City KPU members, PPK, PPS, KPPS, PPLN, and KPPSLN as well as Bawaslu, Provincial Bawaslu, Regency/City Panwaslu, Subdistrict Panwaslu, Field Election Supervisors, and Overseas Election Supervisors. More specifically, the DKPP was formed to examine, adjudicate and decide on complaints or reports of alleged violations of the code of ethics committed by KPU members, Bawaslu members and lower ranks.

The public in general hopes that with the existence of the DKPP institution, the election process can run well without any violations of the code of ethics committed by the election organizers, both the KPU, Bawaslu and their staff. So that the democratic process in Indonesia can run properly based on the function of constitutional law in Indonesia. Therefore, by knowing the DKPP's position regarding Constitutional Law, the public will be more confident in voting during the election.

The existence of the DKPP as an enforcement agency for the code of ethics for election organizers has a vital role in maintaining the integrity of elections in Indonesia. Post-2024 elections show the increasing complexity of challenges faced by the DKPP, including a significant increase in the volume of complaints and demands for institutional strengthening.

METHOD

This research uses a normative approach through library research methods by reading, quoting and analyzing statutory regulations and legal theories related to the Election Organizer Honorary Council (DKPP). The data analysis technique was carried out qualitatively, namely

analyzing the data systematically and logically to obtain clarity in answering research problems regarding strengthening the position of the DKPP in the Indonesian constitutional system and the effectiveness of enforcing the code of ethics for election organizers after the 2024 election, with the aim of obtaining scientific conclusions.

RESULTS AND DISCUSSION

The Position and Authority of the DKPP in the Indonesian Constitutional System

The state is a construction created by mankind regarding the pattern of relations between humans in social life which is organized in such a way for the purpose of fulfilling interests and achieving common goals.

Constitutional Law is a collection of legal regulations that regulate the state and discuss its organization, the relationship between state equipment in vertical and horizontal lines, as well as the position of citizens and their human rights.

Constitutional Law is the regulations that regulate state organizations from top to bottom, the structure, duties and authority of state apparatus, the relationships between these apparatus hierarchically and horizontally, the territory of the state, the position of citizens and their human rights.

The 1945 Constitution as a result of the amendments stipulates four powers and eight state institutions as follows

1. Examinative (Inspective) Power, namely the Financial Audit Agency (BPK)
2. Legislative Power, namely the People's Consultative Assembly (MPR) which is composed of:
 - a) House of Representatives (DPR)
 - b) Regional Representative Council (DPD)
3. State Government Power (Executive), namely the President and Vice President
4. Judicial Power (Judicial), including:
 - a) Supreme Court (MA)
 - b) Constitutional Court (MK)
5. Supporting State Institutions (The Auxiliary Organ or Supporting Organ), namely KY, DPP, Polri, TNI, BI, KPU, BAWASLU etc.

General Elections, hereinafter abbreviated to Elections, are a means of implementing people's sovereignty which are held directly, publicly, freely, confidentially, honestly and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia (Article 1 number 1 of the Law No.15 of 2011). Indonesia has held several general elections in three different periods/orders, namely, the Old Order, the New Order, and the current Reformation Order.

Theoretically, general elections are considered to be the earliest stage in various series of democratic constitutional life, so that elections are the driving force behind the mechanism of the democratic legal system.

Elections are the will of the people in a democracy, because without elections a country can be called a non-democratic country. This means that the basis of democratic state life is that every citizen has the right to actively participate in the political process, including elections. Holding elections in the Indonesian constitutional system is an activity in administering government as a concrete form of a democratic state, one of the indicators of which can be seen from the implementation of regular, democratic and quality elections. Elections are an embodiment of people's sovereignty and democratic practice, the legal basis of which has been strictly regulated in the 1945 Constitution of the Republic of Indonesia. This is reflected in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that sovereignty is in the hands of the people and is exercised in accordance with Constitution. Its implementation must also be based on applicable law, as a consequence of

Indonesia as a state of law, as emphasized in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a state of law. This constitutional framework makes it clearer that Indonesia is a rule of law country that implements democracy, where the exercise of state power is based on applicable law.

The constitutional basis for holding elections is specifically regulated in CHAPTER VIIB Article 22E of the 1945 Constitution of the Republic of Indonesia, which consists of six paragraphs regulating the principles of elections, types of elections and election organizers. The election principles adopted are Luber and Jurdil (direct, public, free, secret, and honest, fair).

The 2024 general election that has taken place has left an important mark on the journey of Indonesian democracy, both in legislative and executive elections, with the various dynamics that accompany it, and has become a significant part of Indonesia's electoral history. Despite being faced with various challenges and problems, the 2024 elections were successfully held well. The ideal hope for elections in Indonesia is to create elections with integrity, managed by organizers who have high integrity.

According to Article 1 point 7 of Law Number 7 of 2017 concerning General Elections, election organizers are defined as institutions that play a role in carrying out elections, consisting of the General Election Commission (KPU), the Election Supervisory Body (Bawaslu), and the Election Organizer Honorary Council (DKPP). The election aims to elect members of the People's Representative Council (DPR), Regional Representative Council (DPD), President and Vice President, as well as members of the Regional People's Representative Council (DPRD) through direct election by the people. Thus, the three main institutions responsible for the election process in Indonesia are the KPU, Bawaslu, and DKPP.

The Election Organizer Honorary Council (DKPP) was formed as an independent institution that acts as an ethical court for election organizers, similar to the general justice system

DKPP applies the principle of "audi alteram partem" or listening to all parties, to ensure a fair, independent, neutral and transparent process in enforcing the code of ethics for election organizers. As it develops, DKPP functions as an ethical court that receives complaints, carries out verifications, and holds examination hearings regarding alleged violations of the code of ethics by election organizers. DKPP faces challenges in carrying out its duties, including the large number of complaints that require quick handling as well as challenges to DKPP decisions and judicial reviews regarding the constitutionality of its decisions.

In principle, the mechanism for resolving violations of the code of ethics for election organizers in accordance with the procedural guidelines for the code of ethics for election organizers includes the following:

1. Administrative Verification. DKPP receives complaints and/or written reports to be reviewed first by the DKPP secretariat regarding the completeness of complaint administration which includes: identity of the complainant and respondent, description of the reasons for the complaint, as well as a request to examine and decide on alleged violations of the code of ethics.
2. Material Verification and Case Registration. Complaints that have passed administrative verification will undergo material verification to determine whether the complaint meets the elements of a violation of the code of ethics. Then the complaint has been fulfilled. Complaints that have met administrative verification and material verification will be recorded in the case registration book and a hearing schedule will be determined.
3. Trial. During the DKPP trial, the Reporting Party conveys the main points of its report, then the Reported Party provides a defense against the allegations made by the Reporting Party.

If necessary, both the Reporting Party and the Reported Party can present witnesses including expert testimony under oath as well as statements from other related parties.

4. Plenary Determination of Decisions. The DKPP Hearing Panel will assess the actual situation of the case, formulate and conclude it, and finally give a decision.
5. Decision. The DKPP decision is read out in a trial by summoning the Reported Party and the Complainant. After the 2024 General Election was held, the Election Organizer Honorary Council received complaints of alleged violations of the election organizer's code of ethics by election organizers, so that during January-November 2024, DKPP had received 584 reports.
 - a) Number of Complaints
 - b) Total complaints: 584 (doubled from 2023), Number of complaints in 2023: 325
 - c) 2. Complaint Handling Status
 - d) Registered: 270 complaints, Decided: 173 cases
 - e) 3. Distribution of Provincial Complaints (Top 5)

North Sumatra: 65 complaints, West Java: 41 complaints, East Java: 39 complaints, South Sumatra: 38 complaints, Papua Mountains: 32 complaints. The increase in the number of complaints shows the increasing public awareness of the importance of supervision in the general election process. DKPP shows good responsiveness in handling incoming complaints. Based on these data, the presence of an Election Organizer Honorary Council which is given the authority to handle violations of the election organizer's code of ethics committed by various election organizers is of course very necessary to create professional, credible and integrity election organizers, so that institutional strengthening of the Election Organizer Honorary Council is an absolute thing to continue to optimize.

In the current Indonesian constitutional system, the Election Organizer Honorary Council (DKPP) has a unique position as an independent institution formed to maintain the integrity and professionalism of election organizers. Based on Law no. 7 of 2017, DKPP plays a strategic role in supervising and enforcing the code of ethics of election organizers, namely the KPU and Bawaslu, through inspection mechanisms and providing ethical sanctions.

DKPP's authority includes the authority to receive complaints, examine and decide on cases of violations of the election organizer's code of ethics. Sanctions that can be imposed range from a written warning to permanent dismissal from office. DKPP decisions are final and binding, which means their decisions can be implemented immediately without going through an appeal or review process at another institution.

In the context of checks and balances in the constitutional system, DKPP carries out an ethical control function over election organizers. Even though it does not have the authority to cancel election results, the DKPP's role is very important in ensuring that election organizers act in accordance with a code of ethics, are transparent and accountable, thereby contributing to the implementation of a healthy and dignified democracy in Indonesia.

Legal basis :

1. The 1945 Constitution of the Republic of Indonesia.
2. Law Number 7 of 2023 concerning Determination of Regulations Government in Lieu of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning Elections General becomes law;
3. General Election Organizer Honorary Council Regulation Number 2 2017 concerning the Code of Ethics and Code of Conduct for Election Organizers
4. General Election Organizer Honorary Council Regulation Number 1 2022 concerning the Third Amendment to the Honorary Council Regulations General Election Organizer Number 3 of 2017 concerning Guidelines In accordance with the Code of Ethics for General Election Organizers DKPP Regulation Number 5 of 2017 concerning Regional Audit Teams As Amended by DKPP Regulation No. 1 of 2019

Legal basis:

- a) The 1945 Constitution of the Republic of Indonesia.
- b) Law Number 7 of 2023 concerning Determination of Regulations Government in Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning Elections
- c) General becomes law;
- d) General Election Organizer Honorary Council Regulation Number 2 2017 concerning the Code of Ethics and Code of Conduct for Election Organizers
- e) General Election Organizer Honorary Council Regulation Number 1 2022 concerning the Third Amendment to the Honorary Council Regulations

General Election Organizer Number 3 of 2017 concerning Guidelines In accordance with the Code of Ethics for General Election Organizers DKPP Regulation Number 5 of 2017 concerning Regional Audit Teams As Amended by DKPP Regulation No. 1 of 2019. Effectiveness of DKPP in Enforcing the Code of Ethics for Election Organizers Post-2024 Election. The formation of the DKPP as an ethical judicial body in organizing general elections in Indonesia is intended to maintain independence and transparency in the election process. Constitutional changes, such as amendments to the 1945 Constitution, have guaranteed the independence of election organizers, so that the DKPP was formed to ensure the implementation of democratic elections. The DKPP has the authority to hear and adjudicate any complaints regarding violations of election administration. This body also has the authority to provide decisions that are binding and apply as a reference in the election process. DKPP acts as an ethical court that ensures the implementation of general elections democratic and transparent. This body also provides citation information in accordance with applicable academic ethics, so that DKPP decisions can be maintained and respected.

The Election Organizer Code of Ethics is a regulation that regulates the obligations and limitations that must be complied with by election organizers. This Code of Ethics is binding and must be adhered to by election organizers, so that DKPP can ensure that elections are carried out in accordance with applicable regulations.

Violations of Election Organizer Ethics

Violations of the code of ethics that emerged during the 2024 elections, namely violations of the code of ethics by the chairman of the KPU:

- a) The Election Organizing Honorary Council (DKPP) held a hearing to read the decision of the Chairman of the Indonesian KPU Hasyim Asy'ari regarding alleged immoral acts. The Election Organizing Honorary Council (DKPP) permanently dismissed KPU Chairman Hasyim Asy'ari from his position on Wednesday, July 3 2024.
- b) Imposing sanctions of permanent dismissal on Defendant I Silas Huby as Chair and Member of the Jayawijaya Regency KPU, Defendant II Alminus Wuka, and Defendant III Maikel Walilo each as Member of the Jayawijaya Regency KPU, as per the Decision in case number 211-PKE-DKPP/VIII/2024. Apart from that, the DKPP also imposed a strict warning and dismissal from the position of chairman on West Java Province KPU chairman Umni Wahyuni in case number 131-PKE-DKPP/VII/2024.
- c) Imposing permanent suspension sanctions on Defendant I Ismed Tumonda and Defendant II Aike Christino Pangemanan respectively as members of the Sangihe Islands Regency KPU. Decision on case number 179-PKE-DKPP/VIII/2024. The two Defendants were proven to have shifted their votes in the SIREKAP application, resulting in differences
- d) Data on vote acquisition between C.Hasil and D.Hasil in five sub-districts in Sangihe Islands Regency

Then there were several violations of the code of ethics that emerged during the 2024 elections, namely violations of the code of ethics by BAWASLU:

- a) Surabaya City Bawaslu Member Muhammad Agil Akbar Fired.

Surabaya City Bawaslu member Muhammad Agil Akbar, who is a Defendant in case Number 192-PKE-DKPP/VIII/2024, was proven to have had an inappropriate relationship outside of marriage with a woman who was a former member of the District Election Committee (PPK) in Surabaya City. Defendant Muhammad Agil Akbar as Member of Bawaslu for Surabaya City.

Apart from that, the DKPP also imposed strict warning sanctions on three election organizers in this session, (Bawaslu Member, Binjai Regency), Idrus Maha (Chair of Bawaslu, Diari Regency), and Rizal Banurea (Bawaslu Member, Dairi Regency).

- b) Aries Mardiono as Chairman and Member of Bawaslu for South Kalimantan Province issued a strong warning from DKPP.

The effectiveness of the DKPP regarding ethical violations by election organizers

The Election Organizer Honorary Council (DKPP) as the institution tasked with enforcing the code of ethics for election organizers has an important role in supervising the implementation of elections.

In analyzing the effectiveness of DKPP, it should be noted that this institution has a strategic role in enforcing the code of ethics for election organizers. Therefore, DKPP must increase its skills and resources to deal with ethical violations committed by the KPU and Bawaslu in the upcoming 2029 elections. Apart from that, DKPP must also increase transparency and accountability in its supervision process so that it can maintain its trust by the public as a strategic institution that supervises election organizing institutions, namely the KPU and BAWASLU.

CONCLUSION

Institutionally, the Election Organizer Honorary Council (DKPP) is an independent supporting state institution that has an equal structural relationship with the KPU and Bawaslu within the framework of checks and balances in the implementation of elections, but functions as a code of ethics enforcement agency. The DKPP's decision is final and binding, which means that no further legal action is available after being determined in an open plenary session, and is imperatively binding for all institutions administering state power and judicial bodies to implement it according to their authority. The characteristics of the DKPP decision reflect a new paradigm in Indonesian legal and constitutional life, which emphasizes independence, transparency and accountability in the administration of elections.

To strengthen the role of DKPP in Indonesia, comprehensive efforts need to be made that include increasing institutional capacity, transparency and legal authority. DKPP must receive full support to improve the competence of its members through regular training, open easier access to reporting for the public, and expand its authority to impose effective sanctions for ethical violations by election organizers. In addition, open publication of the investigation process and examination results will build public trust, and ensure that every DKPP recommendation can be followed up seriously by the relevant institutions, resulting in a more accountable and quality election supervision system, as well as better publication of DKPP news so that readers Information from DKPP is easier and quicker to understand.

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