

Strengthening the Role and Function of the Honorary Court of the Indonesian People's Representative Council in Enforcing the Code of Ethics

Moh. Taufik

Universitas Pancasakti Tegal

Muh. Harley Maulana

Universitas Pancasakti Tegal

Abstract. The aim of this research is to find out the role and function of the Court of the People's Representative Council of the Republic of Indonesia in dealing with violations of the council's code of ethics. This research approach was carried out using a normative approach. From this research it can be seen that the role of the Council's Honorary Court in upholding the DPR's code of ethics is carried out through prevention and enforcement efforts. Prevention efforts are carried out in various stages, namely socialization, training, sending circulars and providing recommendations, or other methods determined by the Honorary Court Council.

Keywords: House of Representatives Court, Enforcement of the Code of Ethics, prevention and enforcement efforts.

INTRODUCTION

The institutional system in Indonesia which is developing according to the times has made it possible to establish an ethics enforcement agency for legislative members. This is based on the consideration that a legislative institution that has become very good makes it possible to be able to monitor every behavior in carrying out its institutional duties. Monitoring the behavior of legislative members can start from outside the legislative institution or from within it. Direct external supervision can be carried out by constituents without representatives or by political parties. Internal supervision can be carried out by an institution formed for this legislative body which is commonly known as the Honorary Board (BK) or the Council's Honorary Court (MKD).¹

The position of the DPR is strong, this council cannot be dissolved by the President. To protect, maintain and develop its basic position and role, the DPR needs firm and clear rules of the game intended for itself and in its working relationships with other government bodies. In the tradition of governance in Indonesia, these rules of the game are formulated in the MPR, DPR, DPD and DPRD Laws as well as the DPR Rules of Procedure (Tatib) which apply specifically to internal affairs of the DPR, which are included in the DPR Rules of Conduct are the limits on members' behavior. which is specifically formulated in the Code of Ethics with

¹Sri Karyati, Institutional Reconstruction of Parliamentary Ethics Enforcement, Journal of Ethics and Elections, volume 1 No. 1 - June 2015, page 60, <https://InstitutionalReconstructionofParliamentaryEthicsEnforcement>

its enforcement unit, namely the DPR Honorary Board (BK).² These provisions are also intended to make the DPR function optimally as a people's representative institution while strengthening the implementation of mutual supervision and mutual balance by the DPR³.

The DPR's role in violating the code of ethics, such as the revelation of various corruption scandals, has even been labeled as the most corrupt institution, alongside the judiciary, political parties and the police, or a den of thieves. One of the bases for the expression that the DPR is a den of thieves is the revelation that a member of Commission VII DPR-RI signed blank receipts and this was considered a habit by the DPR Secretariat General. This expression describes how negative the image of the council, which is known as an honorable institution representing the people, is⁴.

Violations of the council's code of ethics also occur in carrying out the duties of state institutions, as happened to DPR member for the 2014-2022 period, namely Frans Agung, who was reported by his former staff, Denty Noviany Sari, for the alleged use of a fake doctorate degree. Denty admitted that Frans had asked him to make a business card with this title on it⁵. Then there is also a member of the DPR RI from the United Development Party (PPP) faction, Fanny Safriansyah alias Ivan Haz, who underwent questioning at the Polda Metro Jaya, Jakarta on February 29 2016. Ivan Haz was questioned as a suspect in a case of alleged abuse of a domestic helper. According to the results of the investigation by the Council of Honor Court (MKD), Ivan was proven to have abused his household assistant named Toipah. This evidence was found by the MKD panel team when examining Toipah, three of Toipah's colleagues, as well as the shop owner in the apartment area where Ivan lived.

Meanwhile, the task of the Constitutional Court is to provide decisions regarding the opinion of the House of Representatives (DPR) regarding alleged violations by the President and/or Vice President. In accordance with Article 7 paragraphs (1) to (5) and Article 24C paragraph (2) of the 1945 Constitution which is reaffirmed by Article 10 paragraph (2) of Law 24 of 2003, the obligation or task of the Constitutional Court is: "To give a decision on the opinion of the DPR that "The President and/or Vice President have committed violations of the law, or disgraceful acts, or do not fulfill the requirements as President and/or Vice President as

²Sebastian Salang, M. Djadjiono, and I Made Leo Wiratma, TA. Legowo, DPR/DPRD Performance Guide, Avoiding Legal Entry for Council Members, (Jakarta: Friends Forum, 2016), p. 11

³AM Fatwa, Constitutional Portrait After the Amendment to the 1945 Constitution, (Jakarta: Kompas, 2015), p. 116

⁴Sebastian Salang, M. Djadjiono, and I Made Leo Wiratma, TA. Legowo, DPR/DPRD Performance Guide, Avoiding Legal Entry for Council Members, (Jakarta: ForumSahabat, 2020), p. 22

⁵PPP Ensures Heavy Sanctions, article accessed on 11 July 2016 from <https://nasional.tempo.co/read/news/2016/02/25/078748307/ppp-pastikan-beri-sanksi-berah>

intended in the 1945 Constitution." The Constitutional Court also has an obligation, namely that it is obliged to provide a decision on the DPR's opinion regarding alleged violations by the President and/or Vice President according to the Constitution. The violations referred to are as stated and regulated in the provisions of Article 7A of the 1945 Constitution, namely committing legal violations in the form of treason against the state, corruption, bribery, other criminal acts, or disgraceful acts, and/or no longer fulfilling the requirements as President and/or Vice President as stated referred to in the 1945 Constitution of the Republic of Indonesia.⁶

Various violations often occur within the DPR, so the DPR itself, as part of strengthening the aspirations of the Indonesian people, certainly needs equipment that functions as a supervisor in upholding and increasing the morale of its members so that these violations can be controlled and minimized, in this case there is a role It is hoped that the Council's Honorary Court (MKD) can reduce violations of the code of ethics committed by DPR members. Article 119 of Law Number 17 of 2014 concerning the People's Consultative Court, the People's Representative Council, the Regional Representative Council and the Regional People's Representative Council, the Honorary Body (BK) or hereinafter referred to as the MKD is a permanent DPR apparatus and is tasked with carrying out investigations and verification on complaints of violations against members of the DPR.

The MKD is also tasked with evaluating and improving the DPR's rules of conduct and code of ethics. The MKD can ideally function to oversee the movement for change and image the DPR as a populist and responsive state institution. The existence of the Council Honorary Court (MKD) is explained in the DPR RI Rules of Procedure. MK DPR meetings are closed. If the purpose of the Honorary Court is to make a decision, the meeting must meet a quorum. The DPR Honorary Court is tasked with carrying out investigations and verification of complaints against DPR members. Apart from that, the DPR Honorary Court is also tasked with evaluating and improving the DPR's rules and regulations and the DPR's code of ethics.

Formulation of the Problem

Based on the background description above, the problem formulation that the author will convey is: What is the role and function of the Court of the People's Representative Council of the Republic of Indonesia in dealing with violations of the council's code of ethics?

⁶Ilham Choirul Anwar, "Constitutional Court: Legal Basis, Duties and Authorities", Jakarta, January 7 2022, [https://tirto.id/Constitutional Court: Legal Basis, Duties and Authorities \(tirto.id\)](https://tirto.id/Constitutional-Court-Legal-Basis-Duties-and-Authorities-tirto.id), Accessed on November 1 2023, 21.15 WIB

RESEARCH METHODOLOGY

This research is library research, this type of search was chosen because the references needed are documents related to research, textbooks and journals, articles, both online and through journals. This research approach was carried out using a normative approach, namely examining law from an internal perspective with the research object being legal norms (Diantha, 2017, Hamzani, et.al, 2020).

Data sources in research use secondary data, where information is obtained through laws, documents, books, journals and articles related to this research. The data collection used is library research, this type of library research is generally carried out by not going into the field to search for data sources, so that research is carried out only based on written works, including research results both already and unpublished (Evanirosa, 2022) .

DISCUSSION

The Role and Function of the Court of the People's Representative Council of the Republic of Indonesia in Handling Violations of the council's code of ethics

The handling of violations of the council's code of ethics carried out by the DPR RI Honorary Court in research was carried out in the 2019-2022 period. Violation of the Code of Ethics for Members of the DPR RI for the 2019-2022 Period. The existence of the MKD is currently based on Law Number 17 of 2014 concerning the MPR, DPR, DPD and DPRD as amended by Law Number 42 of 2014, that the MKD was formed as an accessory tool. The DPR is permanent and aims to maintain and uphold the honor and dignity of the DPR as a people's representative institution. Meanwhile, the MKD's task is to investigate and verify complaints against members who are suspected of violating the code of ethics. In this case, the MKD plays a role in enforcing ethical issues that have been carried out by DPR members.

Apart from this role, the MKD has processed several ethical violations, as for violations of the DPR members' code of ethics that occurred in the 2019-2022 to 2019-2022 period, data obtained from related sources has been combined into one and presented in tabular form for easy understanding.

1. Violations for the 2019-2022 Period

BK previously received a number of complaints from the public throughout the 2019-2022 period. The following are some of the complaints received, especially those that have attracted the public's attention^{7.1}

Table 1. Violations for the 2019-2022 Period

Session Year	Complainant	Complaint Material
2019-2020	Emilia Puspita, Piping Wiranata, Rudi Sugianto, Rohmadi, Study Circle Advanced Indonesia, Women PPD, Alliance of Concerned Youth Parliament.	Regarding inner turmoil DPR Plenary Meeting.
2019-2020	Advocacy Institute Indonesian Reformation.	Regarding allegations of corruption and rice smuggling 60,000 Metric Tons origin Vietnamese.
2019-2020	South Coast Regional Government Staff	Regarding work visits several members of the DPR which has drained money area amounting to IDR 100 million

a. Handling Cases with Complaints

During the First Trial Period for the 2014-2019 Membership Period, there were 3 (three) cases has been decided completed, ie⁸:

1. Case Number 129/PP-MKD/2019;
2. Case Number 131/PP-MKD/2019; And
3. Case Number 132/PP-MKD/2019

Session Period I of the 2019-2020 Session Year is a trial period marked by the change of the new DPR RI Membership Period, namely the 2019-2024 Membership Period. In this new membership period, MKD received 3 (three) letters of complaint and succeeded in deciding 1 (one) complaint case, namely Case Number 01/PP-MKD/2019-2020.

In the Second Trial Period of the 2019-2020 Session Year which started on 13 January 2020 to 22 March 2020, the MKD has followed up and decided 1 (one) complaint case, namely

⁷DPR RI Secretariat General, DPR RI Five Year Report 2019-2020: Carrying out the Mandate and Aspirations of the People, (Jakarta: DPR RI Secretariat General, 2020), p. 130

⁸DPR RI Secretariat General, DPR RI Period 2019-2020: End of Service Notes, Center for Research, Data and Information Processing, (Jakarta: Secretariat General of DPR RI and Azza Graphics, 2013), p. 180

Case Number 03/PP-MKD/2020. Trial Period III for the 2019-2020 Session Year which started on March 23 2020 to June 14 2020, MKD received 2 (two) complaints, namely⁹:

- a. Complaint Number 17/Complaint received on March 30 2020; And
- b. Complaint Number 18/Complaint received on April 24 2020.

During the IV Session Period of the 2019-2020 Session Year, no complaint letters were submitted to the MKD. MKD internal meeting activities during the Fourth Trial Period were carried out in order to follow up on complaints that were received during the previous Trial Period and had been verified. Based on the verification results, the internal meeting decided that several complaints were not followed up due to several reasons, namely¹⁰:

1. The complainant withdraws his complaint;
2. Complaint is incomplete;

Regarding incomplete complaints, there are stages in the process that go through before the complaint is declared not to be followed up, where in these stages the MKD Secretariat has first contacted the Complainant to fulfill the completeness of the complaint as stated in the MKD Procedures. If by the specified time limit the complainant does not complete his complaint, then in accordance with Article 11 paragraph (1) of DPR RI Regulation Number 2 of 2015 concerning Procedures, the complaint will not be followed up.

Meetings held in the IV Session Period of the 2019-2020 Session Year include:¹¹:

1. Leadership Meeting followed by an Internal Meeting on 17 June 2020 with the agenda:
 - a. Preparing the Work Program for the Honorary Court Council for Session Period IV for the 2019-2020 Session Year;
 - b. Discussing cases and letters submitted to the Honorary Council Council;
 - c. Etc.
2. Internal Meeting on 22 June 2020, with the agenda:
 - a. Continuing the discussion and ratification of the Work Program of the Honorary Court Council for Session Period IV for the 2019-2020 Session Year;
 - b. Discussing cases and letters submitted to the Honorary Council Council;
 - c. Etc.
3. Internal Meeting on 29 June 2020, with the agenda:
 - a. Making decisions on cases being discussed at the Council's Honorary Court;

⁹Ibid.,

¹⁰House of Representatives of the Republic of Indonesia, <https://www.dpr.go.id/akd/index/id/Sekretariat-Mahkamah-Kehargan-Dewan>

¹¹Ibid.,

b. Etc.

In this Internal Meeting, MKD decided on 11 (eleven) incoming Complaint cases, namely¹²:

- 1) Complaint Case number 5/PP-MKD/2020;
- 2) Complaint Case number 6/PP-MKD/2020;
- 3) Complaint Case number 7/PP-MKD/2020;
- 4) Complaint Case number 8/PP-MKD/2020;
- 5) Complaint Case number 9/PP-MKD/2020;
- 6) Complaint Case number 10/PP-MKD/2020;
- 7) Complaint Case number 11/PP-MKD/2020;
- 8) Complaint Case number 13/PP-MKD/2020;
- 9) Complaint Case number 14/PP-MKD/2020;
- 10) Complaint Case number 15/PP-MKD/2020; And
- 11) Complaint Case number 18/PP-MKD/2020.

4. Leadership Meeting on July 1 2020, with agenda¹³:

- a. Preparing the Work Program for the Honorary Court Council for Session Period IV for the 2019-2020 Session Year;
- b. Discussing letters submitted to the Honorary Council Council;
- c. Etc

5. Leadership Meeting and continued with an Internal Meeting on 13 July 2020, with the agenda:

- a. Continuing to discuss the SOP for receiving and verifying complaint administration;
- b. Etc.

Handling Cases Without Complaints

Article 4 DPR RI Regulation Number 2 of 2015 concerning MKD Procedures explains that a case without a complaint is a violation committed by a Member of the DPR RI in the form of¹⁴:

1. Absence from meetings which are his obligations, namely: (1) Plenary Meetings, and (2) DPR RI Complementary Instruments Meetings;

¹²Fauzi, Measuring the commitment of the Honorary Council of the Constitutional Court, in Antara News, link: <https://www.antarane.ws.com/berita/3428541/menakar-komitmen-majelis-kehargaan-mahkamah-konstitusi>

¹⁴Ibid.,

2. Violations of the Laws governing the MPR, DPR, and DPD, and DPRD as well as regulations governing the Rules and Code of Ethics which are of public concern;
3. Caught red-handed committing a criminal act; or
4. Proven to have committed a criminal offense that carries a minimum prison sentence of 5 (five) years and has obtained a decision that has permanent legal force. During the 2019-2020 Session Period I to IV, the MKD has not handled cases without complaints.

Work Visit

1. Domestic Work Visits

Apart from handling Code of Ethics cases, MKD also carries out working visits to several provinces in the context of outreach and case investigation. Working visits to regions were also carried out to establish cooperation with law enforcement consisting of the National Police of the Republic of Indonesia and the Attorney General's Office of the Republic of Indonesia. The essence of the cooperation in question is the existence of an understanding in implementing the laws and regulations that regulate the functions, duties and authorities of the three state institutions.

The Socialization Activity of DPR Regulations regarding the DPR Code of Ethics is intended to present a common understanding of Law Number 2 of 2018 concerning the Second Amendment to Law Number 17 of 2014 concerning the MPR, DPR, DPD and DPRD, especially Article 121A which regulates implementation. MKD's functions are: prevention and supervision, and enforcement. This provision is further regulated by DPR RI Regulation Number 1 of 2015 concerning the Code of Ethics of the House of Representatives of the Republic of Indonesia and DPR RI Regulation Number 2 of 2015 concerning Procedures for the Honorary Court of the House of Representatives of the Republic of Indonesia.

The aim of the Socialization of DPR Regulations regarding the DPR Code of Ethics is to convey information and input regarding DPR RI Regulation Number 1 of 2015 concerning the Code of Ethics of the House of Representatives of the Republic of Indonesia and DPR RI Regulation Number 2 of 2015 concerning Procedures for the Honorary Court of the House of Representatives of the Republic of Indonesia.

In the new membership period, MKD is also seeking dialogue with academics in order to seek input regarding efforts to enforce ethics. During the First Trial Period of the 2019-2020 Session Year, the Honorary Court of the Council carried out the following Domestic Work Visit activities:

- a. Working Visit to Yogyakarta Special Region Province;
- b. Working Visit to Central Java Province;
- c. Working Visit to Riau Islands Province;
- d. Working Visit to North Sumatra Province.

During the Trial Period II to IV of the 2019-2020 Session Year, this was the trial period which coincided with the outbreak of the Covid-19 pandemic in Indonesia, therefore the MKD did not carry out domestic work visits and was still waiting for the development of new normal conditions as a result of the outbreak of the Covid-19 pandemic. .

2. Overseas Work Visits

- a. The Council for the 2019-2024 period carried out an Overseas Working Visit to South Korea on 15-21 December 2019. The overseas working visit activity was carried out on the basis of the Decree of the Leadership of the People's Representative Council of the Republic of Indonesia Number 382/PIMP/I/2019-2020 dated 5 December 2019 concerning the Assignment of a Delegation of Members of the Honorary Court of the House of Representatives of the Republic of Indonesia to carry out an Overseas Working Visit to South Korea from 15 December 2019 to 21 December 2019 with the aim of seeking input in studying the Enforcement of the Code of Ethics and Implementation of Immunity Rights in force in South Korean Parliament (National Assembly). MKD's working visit to South Korea aims to learn about the implementation of the ethics system and code of ethics enforcement system in the South Korean Parliament (National Assembly).

During the working visit (Kunker), the MKD Delegation held several meetings, including:

- 1) Meeting with the Ambassador of the Republic of Indonesia to South Korea. From the meeting of the MKD Kunker Delegation with the Indonesian Ambassador to South Korea, Indonesia, it can be concluded that there is a need to make efforts to push benchmarks to South Korea because based on the results of studies regarding culture, politics and social matters, many things are similar. so that Indonesia can adopt the good things that have been practiced by South Korea in developing the nation's technology and economy.
- 2) Meeting and discussion with Prof. Won Taek Kang, Political Expert from Seoul National University (SNU) Discussions with Political Experts from Seoul National University were relaxed and interesting. From this meeting, information was obtained that since July 2018, South Korea no longer has a Standing Committee that

handles ethical system or code of ethics issues. This committee is only non-permanent or ad hoc, which will be formed if there are problems.

3) Meeting with Political Experts from People's Solidarity for Participatory Democracy (PSPD). People's Solidarity for Participatory Democracy (PSPD) is a Non-Government Organization (NGO) or NGO that operates in the field of democracy and was founded in 1994. PSPD is known to be active in monitoring and providing criticism of cases of abuse of power in both government and parliament. In carrying out its duties to monitor the performance of the government and parliament, the PSPD receives various input and complaints from the public which are then followed up by carrying out checks and clarifications on the implementers of the government and parliament systems. If the complaint is proven and a violation is found, then the complaint can be followed up by forming an ad hoc committee on code of ethics violations.

b. During the Trial Period II to IV of the 2019-2020 Session Year, this was the trial period which coincided with the outbreak of the Covid 19 pandemic in Indonesia, therefore MKD did not carry out overseas work visits and was still waiting for the development of new normal conditions as a result of the outbreak of the pandemic Covid-19.

One of the speakers, namely the Deputy Chair of the DPR RI Korkesra, Dr. (HC) Muhaimin Iskandar, M.Sc. revealed that¹⁵:

- MKD's role is to monitor ethics in order to maintain the honor of the institution and members of the DPR;
- Trust in the MKD is high to maintain honor, therefore it is hoped that the MKD can resolve cases correctly without giving the impression of pitting DPR members against each other;
- The pillar of legislative democracy is important for determining the formation of checks and balances and maintaining control over the government. The DPR controls the government. The DPR is controlled by the people. So that community control does not become anarchic, or does not become a trial by the press, MKD is the solution. The code of ethics hearing provides clarification and avoids criminalization of members DPR;

¹⁵Interview with the Deputy Chairperson of the DPR RI, National Seminar on the Honorary Court of the Council with the theme "New Directions MKD Policy: Efforts to Present a Civilization of Wisdom" on February 24 2020 at the Crowne Plaza Hotel, Jakarta.

- MKD becomes the gatekeeper and strengthens the DPR so that it goes beyond the minimum definition of democracy but creates a democracy that is responsible for those it represents; • It is necessary to strengthen the existence of MKD's duties and functions.

Dr. Haryatmoko, who is an expert in the field of Public Ethics from the University of Indonesia and Sanata Dharma University, suggested that a review of the main functions of the MKD be carried out, which includes, among other things, the following functions:

- Encourage the professionalism and integrity of DPR members;
- Ethics commission that raises ethical issues, facilitates audits and performance evaluations, and encourages whistle-blowing mechanisms that provide legal protection to parties who become whistleblowers.

During the IV Session Period of the 2019-2020 Session Year, the activities carried out by MKD were around receiving complaints, resolving complaint cases, and meetings related to MKD's internal arrangements such as preparing MKD programs and discussing SOPs for receiving and verifying complaint administration.

CONCLUSION

The role of the Council's Honorary Court in enforcing the DPR's code of ethics is carried out through prevention and enforcement efforts. Prevention efforts are carried out in various stages, namely socialization, training, sending circulars and providing recommendations, or other methods determined by the Honorary Court Council. Preventive efforts are also carried out for cases without complaints through monitoring tasks obtained from the results of verification of the Honorary Court Council's equipment, such as the Secretariat and Expert Staff of the Council's Honorary Court, directly or indirectly. Meanwhile, enforcement efforts were carried out by the Council's Honorary Court regarding Complaint Cases resulting from reports of violations against members who violated the code of ethics.

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