



Ethics Oversight Practices of the House of Representatives of the Republic of Indonesia

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Abstrak

Penegakan etika profesi dalam lembaga legislatif merupakan aspek fundamental untuk menjaga martabat, kehormatan, dan kredibilitas Dewan Perwakilan Rakyat Republik Indonesia (DPR RI). Etika, secara filosofis berasal dari konsep *ethos*, mencakup nilai, motif, serta perilaku yang harus dipatuhi oleh setiap anggota dewan sebagai representasi rakyat. Penelitian ini bertujuan untuk menganalisis kewenangan Mahkamah Kehormatan Dewan (MKD) dalam penegakan Kode Etik DPR serta mengevaluasi efektivitas pelaksanaannya. Menggunakan metode penelitian yuridis normatif, kajian ini memanfaatkan bahan hukum primer, sekunder, dan tersier untuk menilai struktur kelembagaan, mekanisme penanganan pelanggaran, serta implementasi sanksi etik terhadap anggota dewan. Hasil penelitian menunjukkan bahwa MKD memiliki kewenangan strategis dalam memeriksa, mengadili, dan memberikan rekomendasi sanksi atas pelanggaran kode etik, mulai dari teguran hingga pemberhentian. Namun, efektivitas MKD masih menghadapi tantangan, terutama terkait indikasi tebang pilih, hambatan politis, dan minimnya inisiatif proaktif dalam menindaklanjuti dugaan pelanggaran. Pengawasan yang optimal membutuhkan transparansi, independensi, dan pelibatan unsur eksternal agar penegakan etika tidak sekadar menjadi formalitas. Penelitian ini menegaskan bahwa penguatan MKD sebagai instrumen *check and balance* merupakan langkah krusial untuk meningkatkan integritas lembaga legislatif dan mengembalikan kepercayaan publik. Implementasi kode etik yang konsisten diharapkan mampu mendorong terciptanya kultur politik yang bersih, profesional, dan akuntabel dalam sistem ketatanegaraan Indonesia.

Abstract

Enforcing professional ethics in legislative institutions is a fundamental aspect to maintain the dignity, honor, and credibility of the House of Representatives of the Republic of Indonesia (DPR RI). Ethics, philosophically derived from the concept of ethos, encompasses the values, motives, and behaviors that must be adhered to by every member of the council as a representative of the people. This study aims to analyze the authority of the Council Ethics Court (MKD) in enforcing the DPR Code of Ethics and evaluate the effectiveness of its implementation. Using normative juridical research methods, this study utilizes primary, secondary, and tertiary legal materials to assess the institutional structure, mechanisms for handling violations, and the implementation of ethical sanctions against council members. The results show that the MKD has strategic authority to examine, adjudicate, and provide recommendations for sanctions for violations of the code of ethics, ranging from warnings to dismissal.

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However, the effectiveness of the MKD still faces challenges, particularly related to indications of favoritism, political obstacles, and a lack of proactive initiatives in following up on alleged violations. Optimal oversight requires transparency, independence, and the involvement of external stakeholders to ensure that ethics enforcement is not merely a formality. This study confirms that strengthening the MKD as an instrument of checks and balances is a crucial step to improve the integrity of the legislative body and restore public trust. Consistent implementation of the code of ethics is expected to foster a clean, professional, and accountable political culture within the Indonesian constitutional system.

Introduction

Ethics comes from the Greek word "ethos," with the plural "taetha," meaning custom. Ethics is often equated with and known as "morals" or "morality," which come from the Latin word "mos," with the plural "mores," which also means habit. Sumaryono (1995) explains the meaning of ethics. According to him, ethics comes from the Greek word "ethos," which means good customs. The equating of ethics with morals is not wrong, but it is inaccurate. This is because ethics has a broader meaning than morals.

Ethics is not limited to a person's attitudes and actions but also encompasses their motives for carrying out those actions. This is in contrast to morals, which are limited to a person's outward actions. Indonesian society has its own custom when it comes to referring to ethics, namely "susila" or "kesusilaan." "Kesusilaan" comes from Sanskrit, consisting of two syllables: su and sila. "Su" means good, "beautiful," or "pretty." Meanwhile, "sila" means manners, behavior, and actions of manners (politeness, etc.), morals, and morals. From these two meanings, it can be concluded that "susila" is good behavior or actions that conform to the norms and rules of social life.

Reasons, Goals, and Benefits of Studying Ethics: Every legal subject is obliged to obey the law. If the person in question is found to have violated the law, then all legal proceedings must be conducted under the jurisdiction of the applicable legal system. Therefore, the ethical consequence of this lack of choice for those who are legally accused is a very high level of ethical professional compliance for those in the legal profession. This level of adherence is even higher than in any other profession in the world, including the medical profession, which is as old as the legal profession.

Legal professionals who dare to violate their professional ethics not only violate the sense of justice of individuals and society, but also harm their country's legal system as a whole.



Based on this background, legal professional ethics is crucial to study, despite the fact that moral teachings (e.g., religious teachings) exist outside of professional ethics that also promote goodness.

The presence of ethics, including professional ethics, remains necessary for the following reasons:

1. We live in an increasingly pluralistic society, including in the realm of morals, leaving us confused about which morality to follow.
2. Modernization brings major changes in the structure of society's needs and values, which consequently challenges traditional moral views.
3. Various ideologies offer themselves as guides to life, each with its own teachings about how humans should live.
4. Ethics are also needed by religious communities, who, on the one hand, need to find a foundation of stability in their faith, and on the other, want to participate fearlessly and without closing themselves off to all dimensions of the changing life of society.

In the Unitary State of the Republic of Indonesia (NKRI), the People's Representative Council (hereinafter abbreviated as DPR) serves as a balancing power for the government. The DPR consists of members of political parties participating in general elections, elected through general elections.

In accordance with Article 20A paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the People's Representative Council has legislative, budgetary, and oversight functions. These three functions are reaffirmed within the framework of public representation. The DPR's implementation of its functions within this framework of public representation is carried out, among other things, through opening up space for public participation, transparency in the implementation of its functions, and accountability to the people.

The definition of the Code of Ethics according to Article 235 of Law of the Republic of Indonesia Number 17 of 2014 concerning the People's Consultative Assembly (MPR), the House of Representatives (DPR), the Regional Representative Council (DPD), and the Regional People's Representative Council (DPRD) is a norm that must be adhered to by every member while carrying out their duties to maintain the dignity, honor, image, and credibility of the DPR.

The House of Representatives' Ethics Court has begun its work, and the Code of Ethics serves as its guideline for behavior. In its implementation, DPR members must act as wise



statesmen and possess high morals, obeying the law in carrying out their duties, as they are essentially leaders in a representative institution that serves as an example for the community. In line with this, Jimly Asshiddiqie argues that there are two requirements for a leader to maintain the dignity of their institution: first, leadership is expected to be an effective driver for legal action, and second, leadership is expected to serve as a role model for those they lead, demonstrating integrity and adherence to the rules.

The establishment of the House of Representatives Ethics Court is expected to transform various aspects of state life, including the quality of work and performance of legislative institutions, which will demonstrate stronger political commitment, morality, and professionalism in the implementation of state administration, based on the creation of a system of oversight and balance between high state institutions. This commitment is crucial for the realization of a strong, productive, trustworthy, and authoritative legislative institution in carrying out its legislative, budgetary, and oversight functions. The House of Representatives Ethics Court, under the auspices of the House of Representatives (DPR RI), operates based on the law on its composition and position, the DPR RI regulations on rules of procedure and the DPR RI Code of Ethics, and other laws and regulations related to the substance of the DPR RI Code of Ethics.

Research Objectives

1. To determine the authority of the House of Representatives' Ethics Court in relation to enforcing the House's Code of Ethics.
2. To determine how the House of Representatives' Ethics Court enforces the House's Code of Ethics.

Method

This research uses a normative juridical approach, namely research conducted on primary legal materials, secondary legal materials, and tertiary legal materials related to this research.

Results and Discussion

1. Authority of the House Honorary Council (MKD) in Enforcing the DPR Code of Ethics



The normative legal analysis shows that the House Honorary Council (MKD) holds strategic authority derived from Law No. 17/2014 and the DPR's internal regulations. MKD is empowered to (1) receive and verify public or internal reports on ethical violations; (2) conduct clarification, examination, and ethical hearings; (3) impose sanctions ranging from verbal warnings to recommendations for dismissal; and (4) provide rehabilitation for members proven not guilty. These findings align with Asshiddiqie's (2005) view that ethical oversight bodies must maintain institutional dignity and safeguard democratic integrity. The study also reveals that MKD's authority is framed not only as corrective but also preventive. This includes the obligation to promote ethical political conduct through guidance and internalization of the DPR's Code of Ethics. Such preventive functions are consistent with Thompson's (1996) framework of political ethics emphasizing the need for institutional moral standards to sustain public trust.

2. Effectiveness of MKD in Implementing Ethical Oversight

The findings indicate that MKD's effectiveness remains limited. Several challenges were identified:

1. Indications of selective enforcement, especially when cases involve high-ranking members or politically influential factions. This is consistent with global findings that internal parliamentary ethics bodies are often influenced by partisanship (Stapenhurst & Pelizzo, 2012).
2. Inconsistency in case processing, where some cases progress rapidly while others stagnate despite strong public concern. This procedural gap undermines public confidence.
3. Reactive rather than proactive oversight, where MKD waits for formal reports rather than initiating inquiries based on substantial media or public evidence.
4. Limited independence, as MKD membership is dominated by political party representatives. Studies by Farrel & Rogers (2020) emphasize that the independence of ethics bodies is crucial to ensure neutrality.
5. Weak inter-institutional cooperation, particularly with the Corruption Eradication Commission (KPK), although many ethical violations overlap with corruption risks.

Despite these limitations, MKD has a solid legal basis and remains an essential ethical guardian within Indonesia's legislative structure.

DISCUSSION

1. The Gap Between Normative Authority and Practical Implementation

Although MKD has extensive normative authority, this research demonstrates a significant gap between legal provisions and practical implementation. This gap reflects what Sedarmayanti (2004) describes as "ethical governance failure," where rules exist but enforcement is inconsistent. MKD's heavy reliance on political structures limits its ability to operate independently. Similar patterns appear in other parliamentary systems, where ethics committees face political pressures during sanctioning processes (Allen, 2011). This explains the inconsistency and hesitation observed in high-profile cases.

2. Independence as a Determinant of Ethical Effectiveness

The study underscores that MKD's effectiveness is hindered by its internal composition. Independent ethics bodies those involving academics, civil society, and non-partisan experts tend to produce more objective and credible decisions (Rose-Ackerman, 2017). Therefore, adding external members is vital to reducing political bias and promoting impartial evaluations.

3. Strengthening Ethical Oversight to Improve Democratic Legitimacy

Ethical compliance is essential to reinforce the public legitimacy of parliament. The findings align with Good Governance principles that emphasize integrity, accountability, and transparency (Ashari & Fernanda, 2001). Strengthening MKD's oversight capacity would not only enhance DPR's credibility but also support a healthier democratic ecosystem.

The research suggests three core reforms:

- Enhancing transparency in case processing
- Standardizing sanctions to avoid selective enforcement
- Establishing formal cooperation with external oversight bodies

These reforms align with global parliamentary standards for ethical regulation (OECD, 2017).

4. Implications for Indonesia's Constitutional System

This study concludes that MKD has the potential to serve as a vital component of the *checks and balances* system within the legislature. When functioning optimally, MKD can significantly influence the moral quality of political actors and strengthen democratic accountability. Strengthening MKD is therefore not merely a matter of internal parliamentary reform but a constitutional necessity to enhance governance quality and prevent ethical decay within public institutions.

Conclusion



This study concludes that the House Honorary Council (MKD) plays a crucial role in safeguarding the integrity, dignity, and credibility of the Indonesian House of Representatives (DPR RI) through the enforcement of the Code of Ethics. Normatively, MKD possesses strong legal authority to receive complaints, conduct ethical examinations, impose sanctions, and rehabilitate the reputation of members. However, the research reveals a substantial gap between MKD's formal mandate and its practical implementation.

The effectiveness of ethical enforcement remains constrained by several factors: selective sanctioning influenced by political interests, inconsistent case handling, limited institutional independence, and insufficient proactive oversight. These issues weaken the deterrent effect of ethical regulations and undermine public trust in the DPR. The dominance of political party representatives within MKD further restricts its impartiality, reinforcing the need for external and independent members to strengthen objectivity and credibility.

Despite these challenges, MKD retains significant potential to become a more robust component of the national checks-and-balances framework. Strengthening its transparency, consistency, and cooperation with external oversight institutions is essential for reinforcing ethical governance. Improving MKD's performance not only supports internal parliamentary reform but also contributes to enhancing democratic legitimacy and accountability within Indonesia's constitutional system.

Overall, the study emphasizes that ethical governance is not solely a legal obligation but a fundamental requirement for building a trustworthy and responsible legislative institution. Strengthening MKD is therefore a strategic step toward fostering a political culture rooted in integrity, professionalism, and public accountability.

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