

## **The Enigma of Ethics: Code of Ethics Enforcement on Covid-19 Health Protocol in the Mechanism of Regional Head General Election in Indonesia**

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### ***Abstract***

*Ethics as a guide for human behavior is often alienated in the political realm. However, the political process required ethics to maintain the essence of the implementation of a dignified democracy. This legal research used a conceptual approach and legislation using primary legal materials and secondary materials. The purpose of this study was to analyze the dynamics of the existence of the application of ethics in the political realm; then, reviewed the validity of the COVID-19 health protocol as one of the codes of ethics for the organs of the Regional Head Election (Regional election) organizers. The results of the study explained that in fact, ethics in the political realm is a fundamental thing that aims to provide welfare for the wider community. Furthermore, the determination of the COVID-19 health protocol as a code of ethics for the organs of the Regional election by the DKPP was very appropriate and legally justified; considering that DKPP has the authority to formulate and stipulate a code of ethics for the organs of the Regional election. Thus, it was necessary to formulate a joint regulation between the organs of the Regional election regarding the determination of the code of ethics for the Regional election.*

**Keyword: Code of Ethics, Health Protocol, Regional election, DKPP, COVID-19**

## **INTRODUCTION**

The implementation of the Regional Head General Election (hereinafter referred to as the Regional election) actually provides a reflection that there is a democratic political system. Therefore, the implementation of Regional election provides a stage for open competition in fighting for various forms of public office through direct elections. Thus, public contestation has become a necessity in a democratic country (Sander, 2021). On the other hand, the existence of individual responses and public participation in exerting influence on various political processes also provides an identity that democratic characteristics are always listed in various forms of public policymaking and implementation, including policies that provide protection to the privacy of each individual (Seubert & Becker, 2021).

Not only that, the presence of the process of changing leadership milestones through regional election shows the existence of civil and political freedom to create political integrity through participation and competition. In the process of organizing the regional election, ethical aspects are always used as fundamental values to determine the political steps taken by political actors. Ethics in the political realm or what is commonly referred to as political ethics applies universally to all societies. However, political ethics is often associated with parties who have a role and are involved in the process of fighting for or maintaining power. However, there is still a debate about the urgency of ethics in the political realm (Killoren et al., 2017). Therefore, not all political literature states that political ethics is something that must be obeyed (Femia, 2011). In fact, Vilfredo Pareto stated that the tendency of political actors to ignore ethics in politics has become a natural thing (Femia, 2011). Vilfredo Pareto even divides the character of a leader into two types, which are 'fox' and 'lions' (Marshall et al., 2020). Leaders in the 'fox' category are described as a leader who has deceitful, clever, and lying character. While the leader of the 'lions' does not hesitate to use violence to gain or maintain his power.

However, that perspective is irrelevant today. Therefore, democracy in modern times places more emphasis on the political process by requiring a sense of unity from the people who vote. In fact, the implementation of democracy in modern times has been reflected in the Regional election. The implementation of modern democratic identity through the Regional election during the 2019 Coronavirus Disease pandemic (hereinafter referred to as COVID-19) is a challenge for all parties. All stages of the Regional election are held together with aspects of the use of the COVID-19 health protocol. Thus, the organs organizing the General Election (hereinafter referred to as the general election) or the Regional election, the participants of the Regional election, voters, and all parties involved in the implementation of the regional election pay attention to certain limitations to protect safety and health from the risk of COVID-19. In the implementation of the 2020 regional election, for example, voters are encouraged to continue to use health protocols -the use of masks, face shields, hand sanitizer- which are already available at the polling booth (Farisa, 2020b). Not only that, the

community is asked to follow the schedule that has been prepared by KPPS. This is done to avoid crowds at the polling booth (tempat pemungutan suara). In fact, if people are found to be reactive or positive for COVID-19; KPPS picks up the ball to serve citizens' voting rights.

Furthermore, the COVID-19 pandemic presents an obligation for election organizing organs to act decisively in implementing health protocols to ward off the COVID-19 pandemic (DKPP-RI, 2020a). For example, if there is a crowd during mass mobilization campaign activities in large numbers without using health protocols (masks or face shields); Election organizer organs must act decisively by dissolving or providing various other forms of sanctions. In fact, if the election organizers violate the COVID-19 health protocol; Such an act is classified as a violation of the COVID-19 code of ethics (Budiman, 2020). This is because compliance with health protocols has become a code of ethics for all organs of the Regional election (DKPP-RI, 2020b). In fact, as many as five cases of violations of the code of ethics by the organizing organs of the Regional election regarding the COVID-19 health protocol have been decided and imposed sanctions (Watra, 2020). However, this provision also encountered many conflicts on the pretext that the implementation of the COVID-19 health protocol was not continuous – due to the pandemic-; so it cannot be recognized as a code of ethics (Farisa, 2020b). In fact, the implementing regulations for the code of ethics enforcement agencies for election management organs are considered not to provide space for the emergence of a new code of ethics (Fiqri, 2020). On the one hand, existing legal instruments do not provide stipulations that the COVID-19 health protocol is included in the principles or code of ethics that must be enforced (Farisa, 2020a). Thus, legal research is needed that elaborates on ethics in politics and ethical enforcement of the organs of the Regional election during the COVID-19 pandemic. This legal research has two legal issues. First, how is the application of political ethics within the framework of a democratic state? Second, can the COVID-19 health protocol be categorized as a code of ethics for the organs of the Regional election? Indeed, the relevant legal studies regarding legal issues in this research; have been investigated by several previous researchers. First, research by Muhammad Syaefudin (2019) concerning the Authority of the Honorary Council for Election Organizers (DKPP) in Enforcing the Code of Ethics for General Election Violations states that the DKPP's decision cannot have legal implications for the election process. DKPP does not have a role to give ethics sanctions for the process of election.

Second, a study by Wirdyaningsih (2020) regarding Violations of the Code of Ethics for Election Organizers in Regional election Judging from Islamic Law which states that violations of the code of ethics can be prevented by carrying out the values of piety by referring to three aspects, namely: moral al-karîmah, uswatun hasanah dan rahmatun li al-'âlamîn. Third, legal research by Mikhael Feka (2020) regarding the Problems of the Code of Ethics and the Urgency of Democracy for the 2020 Regional election explains that holding elections in the midst of a pandemic is a test for election organizers to strictly comply with the code of ethics and law in order to create quality elections. The study of the enigma ethics: enforcement of health protocol code of ethics on election organs is

different from the three studies above. Therefore, the purpose of this study is to analyze the action of the existence of the application of ethics in the political realm; then examine the validity of the health protocol as one of the codes of ethics for the organs of the Regional election organizers during the COVID-19 pandemic.

## **RESEARCH METHOD**

Legal research the enigma ethics: enforcement of health protocol code of ethics on election organs was a series of efforts to obtain the truth of coherence by identifying various norms that contained legal principles with various existing legal regulations. Conceptual approach and statute approach were used as approach methods in this legal study. This legal study used primary legal materials in the form of statutory regulations and other legal instruments; and used secondary legal materials in the form of journal articles, books, and so on. The two legal materials were inventoried by researchers to obtain a holistic prescription in order to obtain comprehensive study results. So, researchers systematically could draw conclusions from the legal problems being studied.

## **DISCUSS AND ANALYSIS**

### **The Political Ethics: Action and Enigma**

The implementation of the Regional election actually provides a reflection that there is a democratic political system. Therefore, the implementation of the Regional election provides a stage for open competition in fighting for various forms of public office through direct elections. Thus, public contestation has become a necessity in a democratic country (Frantz et al., 2021). On the other hand, the response and public participation in influencing various political processes also provide an identity that democratic characteristics are always contained in various forms of making and implementing public policies (Donaldson et al., 2021). Not only that, the presence of the process of changing leadership milestones through the Regional election shows the existence of civil and political freedom to create political integrity through participation and competition. Nevertheless, the characteristics of democracy as indicated by the existence of public contestation, public participation, and civil and political liberties do not necessarily become pillars of the establishment and implementation of democratic principles in a country. Therefore, these values must always pay attention to other functional values, such as ethical values, freedom, equality, and moderation. If democratic values do not work with functional values that apply in society, it is feared that the practice of abuse of power will occur to strengthen and/or maintain and fight for power (Ackerman, 2020). Thus, the practice of holding general elections or post-conflict local elections requires a standard of values that are mutually recognized. These value standards are crystallized in the form of ethics (and morality) and the rule of law. Ethics is often considered 'knowledge of morals' and moral principles (Morris, 1996). However, ethics is often associated with legal. Ethics has become a guide for maintaining the value of conformity or right and wrong when it is associated with various values and norms that live in the community (Stempel, 2020). So, it

is not wrong if Geyh mentions that ethics is a form of behavioral guidelines that have been built on cultural and customary principles based on mutual agreement by the community (Geyh, 2019). These agreements originate from social processes that have occurred over a long period of time and are continuous and dynamic. Thus, basically, ethics is not just legal right or wrong. On the other hand, the modern era of democracy provides room for ethical values to encourage the ability of political actors to increase attractiveness and bargaining in the process of dialogue with the community. The general view of democracy is that it is a patterned and definite mechanism; however, the outcome of this mechanism is not known with certainty (Egorov & Sonin, 2021). This understanding gives the meaning that there is no certainty about the winner in a democratic event. With the existence of a rigid mechanism, the democracy that is realized can be of good quality. However, if the implementation of democracy is carried out with uncertain procedures as well as uncertain results; then the quality of democracy is included in the category of low-quality democracy. Meanwhile, if democracy is carried out with an uncertain mechanism, the outcome of the mechanism is known for certain; So, this situation is called authoritarian democracy (Harding, 2020). However, if the procedures and results are known for certain, then democracy is included in the category of totalitarianism (Harding, 2020). The democratic space at this time provides ethical and moral guidelines as a common reference for realizing the ideals of the goodness of democracy itself, such as obtaining and maintaining power in an elegant and legitimate manner.

Then, how about political ethics in Indonesia's democratic political system? In principle, building an ethical democratic space in Indonesia; actually continue to strive for the common good. On the aspect of political ethics, in hope; power orientation is not allowed for a small group of noble people (oligarchy) (Nili, 2018). Procedurally, democracy in Indonesia is much better than during the New Order government. Spaces for freedom of expression and assembly become one of the entities that represent the fulfillment of the political and civil rights of the community (Gunatilleke, 2021). The existence of space for freedom of opinion and assembly has encouraged the formation of various social organizations, including political parties. Although political parties have certain ideologies in adopting central issues that occur in the community, the main orientation of political parties is to fight for public positions (Aydogan, 2021). On the other hand, political parties are a means to allow for aspiration and delegation of power from the people to the people in parliament (Doherty et al., 2021). However, the presence of political parties creates a democratic climate that encourages the holding of General Elections and/or Regional election which are conducted periodically and involve the community. However, there has been a transformation regarding the method of electing the president and regional heads which were previously carried out on a representative basis -by the DPR/DPRD-; replaced by the method of direct election by the people (Ulum, 2020). However, the realization of people's political rights through voting rights is far from the ideals of a wise character of power. Various regional heads who have been elected by the community have actually created a pragmatism pattern in the national or regional institutional structure; so that only a small group can control that power

(Bourcier, 2019). Thus, the values of political ethics that should be realized, resilience with the interests of a few people who are 'greedy' for power. The fading of the culture of political ethics is actually related to people's views in choosing leaders, considering that there are three public perspectives that are usually used. Firstly, a sociological review. This perspective is due to the closeness of political parties to the community through various interactions carried out by party cadres. Naturally, this perspective is more oriented towards building social power so that it creates an attitude of concern and sympathy by the community towards political parties. Secondly, the psychological point of view. This view states that people's political choices are influenced by pressure from those closest to them. Usually, this view is often legitimized by various forms of arguments regarding culture, ethnicity, religion, race, and intergroup (SARA). So, someone feels obliged to follow the political choice as a consequence of being a part of SARA. Thirdly, rational-material perspective. In this view, the public has the view that their political rights have a 'price to be paid' by candidates for regional heads. Therefore, the term 'NPWP' (Nomor Piro Wani Piro) emerged. This impression has mushroomed in various circles of society, especially with regard to the political costs that can be paid to the community. Therefore, the level of electability of leaders is sometimes influenced by how big the political costs are. Thus, the political process that has been going on is actually strengthening material values, not political ethics. The relationship between ethics and politics essentially has a complex concept and is closely related to the two as well. The relation between ethics, politics, and law, must be synchronized, therefore there are so many good results to stem the central problem. However, the concept of ethics is a dimension that cannot be separated from aspects of everyday life. Ethics has a nature that refers to habits that should be done in reality together (Iovan, 2020). The habit of giving and having responsibility in a holistic manner is a moral ideal rather than ethics in itself, not least in the scope of politics. Ethical values will encourage a person to control a life full of virtue, or morally good (Lerman et al., 2020).

These values will encourage people to choose to do the right thing because the right thing is a lonely sure to do in developing life. In fact, from the perspective of naturalism, humans themselves have the ability to speak legitimately (Owen, 2021); so, humans can talk and reason with one another to discover what is good and bad, what is right and wrong, and what is just and unjust. Ethics and politics are related to human actions, considering that every human being is part of a political organization. They have the same political rights; i.e. being selected or to choose. Thus, the ethical behavior of every human being is related to the government's efforts to provide and pursue all the rights and obligations of citizens as a form of moral responsibility for the welfare of society. The relationship between politics and ethics also addresses social norms; because, both provide a study of human behavior (Magni, 2020). The political aspect encourages the community to carry out reconstruction or mass repairs through democratic mechanisms (Ulum, 2019).

In the ethical aspect, ethics is used as the basis for making legal instruments; therefore ethics is a fundamental pillar to achieve a point of the highest good for

society. The political ethics of a nation is reflected in the ethics of the nation itself. However, the ethics of the nation follows the quality and nature of the ethics of each society as well. Meanwhile, national ethics is actually a reflection of the expansion of individual ethics. Thus, those who have political power must be aware of their moral responsibility to do their best. This is because leaders must realize that what they seek has lasting consequences that can affect the lives of many people. In essence, knowledge of political ethics can be classified into three categories. First, political ethics as theoretical knowledge. Understanding of political ethics aims to provide reflection and evaluation to all parties who have the power of power so that they always improve all efforts for the creation of a peaceful and prosperous society. Second, political ethics as practical knowledge. In the practical aspect, the urgency of awareness of political ethics will encourage someone who has the power to create ideas and ideas as a weapon to solve the problems that are happening in society. The idea certainly pays attention to the interests of all parties, including considering aspects of moral values that develop in society as well. Policies that are expected to be obligatory do not injure aspects of human rights for every citizen; So, the idea can be used holistically. Third, political ethics as productive knowledge. If ethics are always used as a foothold in ideas created by leaders, then these ideas will result in real action in various forms of work programs that always pay attention to the quality assurance of public morality. Thus, ethics stimulates various human efforts to answer their daily needs as humans. The study of political ethics basically includes a good or bad assessment of the process related to seizing power or maintaining public power and assessing how much benefit or good or bad the policies are issued by public officials. The study is reflected through various political actions; considering it is an attempt by leaders to meet a higher standard than their own self-interest. In the aspect of political action, actions will be judged as good or bad based on two main concepts.

First, something will be judged good or bad if it is in accordance with the laws of nature. This means that all political activities are not allowed to conflict with the values or norms contained in religious teachings. Therefore, in religious teachings, every human being has a noble sacred duty to always provide benefits for others. Thus, if in political activity someone actually violates the constitutional rights of the community, then that person does not implement religious values in political activity. Second, a good or bad action will be judged based on the aspect of contractualism. This conception argues that all acts of political activity will be judged as good or bad based on the existing positive law. If the political process always pays attention to legal aspects that must be obeyed, then the activity is considered valid and proper. Even though Aristotle says that only a few people study politics ethically (Chen, 2019), but the urgency of the relationship between ethics and politics were also expressed by JJ Rousseau. In his view, if one tries to separate ethics from political activity, one will fail to understand both (Neidleman, 2020). Therefore, the main concept of politics is an attempt to provide a form of freedom, order, legitimacy as an ethical framework that influences each other (Qvortrup, 2018). This ethical framework serves to anticipate acts of abuse of resources owned by the state and managed by someone

who has a public office. Therefore, the basic principle of the relationship between ethics and politics is to encourage those who are at the forefront as public service actors to always use their position for the public interest and not for their own personal interests or the personal gain of others. On the other hand, the link between ethics and politics has a specific purpose or end; as the Telos conception of Aristotle (Fives, 2006). Aristotle said that everything has an end, so that if we want to understand what something is, it must be understood in terms of the goal itself (Adkins, 1984); which we can discover through a careful process of life. That is to say, political tricks tend to be useful for those who already have the experience and mental discipline to take advantage of them (Ward, 2005). These benefits are of course aimed at the maximum for the community. Thus, discussions of politics and ethics encourage rulers to always know the right thing to do, understand why it is the right choice, and choose to do it for that reason alone. On the other hand, if the ruler uses ethics as the basis for his actions, then he will know the general rules that must be followed; however, he will also know when and why he commits an act that deviates from that rule. Although ethics are often considered to have multiple interpretations (Woolley, 2013), then we -the rulers too- cannot decide what is right and wrong; but we -including the authorities- can decide and feel whether what we do is right or wrong. However, their decisions are the most important decisions for the life of the nation and state. On the other hand, the nation's leaders cannot decide what makes people truly happy; however, they can decide whether to fill a 'happy life' or not. Those decisions were not made at all; however, they must be repeated as we live our lives with full responsibility to others. Therefore, living life with virtuous character requires a continuous effort. Thus, ethics and politics have a close relationship; Therefore, the actualization of ethical and virtuous life can be done by participating in the political sphere which aims to provide welfare for the wider community. On the one hand, morality and ethics education is one of the main goals of the political community so that they always pay attention to the interests of the community as the main interest. However, Indonesia is a country that consists of various ethnic differences, races, religions, beliefs, customs (Adhihernawan & Fadhila, 2021).

The bonds of brotherhood as a nation remain solid based on tangible interactions and awareness and ethical values to bind themselves into a unified whole. The embryo of the formation of Indonesia which was then crystallized in the Proclamation and the 1945 Constitution of the Republic of Indonesia became the philosophical foundation for the establishment of a country with real diversity. In the case of the Regional election, it is the footing that encourages the implementation of a dignified Regional election; by not derogating the values of Pancasila and always paying attention to and realizing the values of morality and ethics that grow in society.

### **The Health Protocol of COVID-19 as a Code of Ethics for Regional Election Organizers**

Regional election is one of the consequences of Indonesia as a country that gives full sovereignty in the hands of the people. Thus, the people have the right



to determine who is the leader at the national level up to the leadership at the regional level. It is hoped that the determination mechanism will be carried out through an orderly and dignified General Election. Therefore, ethics is very necessary to realize a dignified Regional election (Prasetyo, 2020); Elections in which are translated from the values of Pancasila, such as Regional election that maintain divine values, human values, unity values, democratic values, and welfare values. In the aspect of divine values, the Regional election is carried out with the spirit to strengthen the ethical values contained in all religious teachings. Ethics is a fundamental principle in religious teachings given the direction of human religion to take actions that are always beneficial to others. Furthermore, the human value embodied in the implementation of the Regional election is the space for freedom of opinion to respect each other. With these differences, it is hoped that it can give birth to a holistic idea to create a pattern of nation-building that is stronger, more complete, and with integrity. In the aspect of the value of unity, the Regional election is a method to instill tolerance and mental training to eliminate the sense of selfishness from human beings. Thus, if citizens have the attitude to always maintain the integrity of the nation and state, then they will avoid all negative actions; such as hatred, abuse, or sheep, lies, slander, and so on. Furthermore, the democratic values that must be realized in the regional election are upholding the 'Luber Jurdil (Langsung, Umum, Bebas, Rahasia, Jujur dan Adil)' principle which is stated in the constitution of the Republic of Indonesia. This principle is the moral spirit of creating a dignified democracy and giving birth to leaders who lead the nation's development towards prosperity. Then, the value of welfare is the intended expectation of the Regional election. However, the leaders who have been elected by the people are expected to be able to provide ideas and ideas to fix all existing problems, so that the work program that has been prepared by the rulers can give birth to a peaceful and prosperous people. Ethics has a broader scope than law. This is because ethics is the social basis for the operation of the legal system in society (Hankin, 1923). Thus, the existence of a legal instrument that applies in society is always influenced by a sense of belief in the 'right or wrong' of an action. Every violation of ethics is not necessarily a violation of the law. Meanwhile, a violation of the law can always be regarded as a violation of ethics. Nevertheless, the essence of law, ethics, and even religion have a relationship that is interconnected in the context of theoretical and practical relationships (Parley, 1999). The view or conception of the relationship between ethics and law actually develops when the positivist perspective is getting stronger as a view that is appropriate to be applied in legal practice. The positivist perspective discards the values of morality and religion in the content of legal instruments (Dindjer, 2020); Therefore, the positivist view views that the law must be free from values outside the law (Patterson, 2018); It must be understood that in countries where people uphold ethical values, the work of the law will not be too difficult. In countries where people do not care about ethics as a fundamental basis for action, then the work of the law will be too heavy. This means, if ethics are always considered as the basis for carrying out the actions of every citizen, then it is less likely that social violations will occur that cause sanctions. Regarding the Regional election, the possibility of violating the code

of ethics can be forced and given legal sanctions by mutual agreement. Various violations of the Regional election –outside of the COVID-19 health protocol violations– such as administrative irregularities in the form of errors in counting ballots, inaccurate voter lists, manipulation of the number of ballots, intentional destruction of ballots (Linebarger & Salehyan, 2020); encourage shared expectations to uphold ethical values in a series of Regional election processes. Upholding the truth through the principle of integrity requires broad consensus from various components in order to create ethical infrastructure (Dawson, 2020). In Indonesia, the functionalization and infrastructurization of ethics are carried out by bringing up the novelty of the election management organ; which is called the Honorary Council for Election Organizers (hereinafter referred to as DKPP). DKPP is the only permanent electoral ethics body in the world (Prasetyo, 2018). The scope of supervision of the code of ethics by the DKPP consists of violations of election administration, election crimes, election results disputes, election administration disputes, and stages and non-stages of elections (Prasetyo, 2018). DKPP's institutional design is enshrined in Law Number 7 of 2017 concerning General Elections (hereinafter referred to as The Election Law) (Muhammad & Prasetyo, 2018). The preparation and stipulation of the code of ethics by the DKPP as the authority is intended to ensure that members of the election organizing organs remain within the corridor of independence, integrity and credibility (Article 157 Paragraph (1) of the Election Law). The preparation of the code of ethics includes other election organizing organs, namely KPU and Bawaslu (Article 157 Paragraph (2) of the Election Law). DKPP has the duty to accommodate all forms of complaints and/or reports of violations of the code of ethics by the election organizing organs (Muhammad & Prasetyo, 2018). On the other hand, DKPP conducts investigations and verifications, as well as examinations of complaints and fictitious reports of violations of the code of ethics (Article 159 Paragraph (1) of the Election Law). Therefore, the DKPP is also authorized to impose sanctions on the organs of the election organizers that have validly acted against the code of ethics; at the same time deciding cases of violations of the code of ethics (Article 159 Paragraph (2) of the Election Law). This is in line with the obligations of the DKPP which are required to enforce ethical norms or rules that apply to all Election Organizers; by adhering to the principles of justice, independence, impartiality, and transparency (Article 159 Paragraph (3) of the Election Law). Thus, DKPP has legitimacy as an authorized institution to act decisively on violations of the code of ethics committed by the organizing organs of the regional election; no exception for violations of the COVID-19 health protocol code of ethics. From 2012 to December 2020,(DKPP-RI, 2020c) the number of cases that went up in court at DKPP amounted to 1756 cases out of a total of 4131 complaints; Then there are 1673 cases decided and 83 cases being handled. Then, the number of defendants that have been decided by the DKPP is 6831 cases; which resulted in a decision in the form of rehabilitation of 3510 people, written warnings of 2275 people, temporary suspension of 67 people, permanent dismissal of 652 people, resignation of a total of 60 people, and 267 decisions. Until December 2020 (DKPP-RI, 2020c). There were 381 cases of violations of the principles of the code of ethics by the election organizing

organs. The classification of principles that were violated consisted of 191 cases of professional principle, 54 independent cases, 70 legal certainty cases, 15 fair cases, 8 accountable cases, 16 honest cases, 15 effective cases, orderly 5 cases, and 7 proportionality cases. The data above shows that violations of the code of ethics are still rampant. Therefore, DKPP functions to maintain the vibrant democratic party during the COVID-19 pandemic through the frame of ethics and morality. DKPP can be considered as a door for internal improvement of all organs of the *Regional election* (Prasetyo, 2019). Therefore, mental and moral strengthening for all organs of the *Regional election* is mandatory; considering that the implementation of the Regional Head General Election is the same as the implementation of democracy. Thus, synergy between all election management institutions is needed to strengthen the spirit of democracy. Then, should the COVID-19 health protocol be categorized as a code of ethics for the organs of the regional head elections? Yes, the COVID-19 health protocol is very valid and should be used as a code of ethics for the organs of *Regional election*. One of the foundations for the implementation of the code of ethics by the organizers of regional election is the principle of the regional election which has been stated in Article 5 letter e of the Regulation of the Honorary Council of Election Organizers Number 2 of 2017 concerning the Code of Ethics and the Code of Conduct for General Election Organizers as amended by Regulation of the Honorary Council of Election Organizers Number 1 2021 concerning the Second Amendment to the Regulation of the Honorary Council for General Election Organizers Number 3 of 2017 concerning Guidelines for Procedures for the Code of Ethics for General Election Organizers (hereinafter referred to as Per. DKKP No. 2/2017 in conjunction with Per. DKKP No. 1/2021). Regarding compliance with the COVID-19 health protocol as a code of ethics; can be studied based on the principles of election organizers in the formulation of Article 6 Per. DKKP No. 2/2017 in conjunction with Per. DKKP No 1/2021 and Article 2 Paragraph (1) of the Regulation of the General Election Commission of the Republic of Indonesia number 13 of 2020 concerning the Second Amendment to the General Election Commission Regulation Number 6 of 2020 concerning the Implementation of the Election of Governors and Deputy Governors, Regents and Deputy Regents, and herein or Mayor and Deputy Mayor Simultaneously Continue in Conditions of Non-Natural Disaster Corona Virus Disease 2019 (after referred to as KPU Regulation No. 13/2020).

First, the principle of independence. This principle illustrates that each party is obliged to use the COVID-19 health protocol - using masks, avoiding crowds, maintaining hand washing with soap-from their own initiative without coercion from other parties; as a form of reflection on the principles of social-morality. The use of COVID-19 health protocols in various stages of the regional election process; show that a person is trying to minimize the potential for negative influences -such as the Asymptomatic Person - from himself; which can have an impact on the implementation of tasks in the regional election process. Second, the principle of public interest. The position of the COVID-19 health protocol as a code of ethics reflects that the regional election organizers are obliged to continuously remind and provide massive and correct information to the public; to

always understand the urgency of implementing health protocols in every stage of the regional election. This policy is carried out in order to create public compliance with health protocols as the most effective and efficient form of prevention to ensure the safety of the public interest. Third, the principle of honesty. This principle encourages the organizing organs of the regional election to convey all their health information as a form of accountability to the public. If the organizing organs of the regional election are not honest about the health conditions of the organizers, it will increase the potential for exposure to COVID-19 for other people; as in the case of a positive COVID-19 patient who was dishonest at the time of the examination, which in the end caused the medical staff to become infected with COVID-19. Fourth, professional principles. the COVID-19 health protocol as a code of ethics encourages the organs of the Regional Head General Election to carry out their duties according to the vision, mission, goals, and programs; as well as maintaining and safeguarding the honor of the election organizers. This is indicated by the implementation of the Regional Head General Election which is carried out with a high commitment to give birth to a democratic nation; by not neglecting the COVID-19 health protocol and prioritizing the principles of health and safety. This principle must be adhered to; considering that there are many cases that apply health protocols as a matter of mere formality, but do not carry out the main purpose of enforcing the health protocol itself. Fifth, the principle of effectiveness. Although the code of ethics for the COVID-19 health protocol -most likely- only applies during the pandemic; but it can also function to encourage the organs of election management to make all efforts justified according to the code of ethics and laws and regulations to ensure the implementation of the constitutional rights of every citizen. Therefore, the COVID-19 health protocol as a code of ethics will encourage the implementation of the Regional Head General Election in line with the provisions contained in this article. Thus, based on the five principles of election organizers above; the technical regulations of the DKPP and the KPU very clearly provide space for the emergence of a new code of ethics in the form of a code of ethics for the COVID-19 health protocol. Thus, the violation of the COVID-19 health protocol as a code of ethics is a progressive policy, considering that the purpose of enforcing the code of ethics is to stop the spread of COVID-19. Not only that, the above principles are a 'shield' in the event of individual neglect or negligence of the election management organs regarding the COVID-19 health protocol; which may endanger the health of other members of the public as well.

The compliance of the organs of the regional election to the code of ethics is a form of moral consequence and the obligation of the institution to create a safe and healthy regional election. With regard to law enforcement against violations of the COVID-19 health protocol code of ethics; does it not comply with the applicable laws and regulations? Not true. The birth of the code of ethics for the COVID-19 health protocol is an implementation of Article 3 of Per. DKKP No. 2/2017 in conjunction with Per. DKKP No. 1/2021; namely maintaining the honor and integrity of the organs of the Regional election. Why is that? This is because the violation of health protocols by the individual organs of the regional election will set a bad example for the people who are also the subject of ethics;

Therefore, the individual organs of regional election must comply with the existing code of ethics and can give birth to a moral code of ethics-an example-that can be followed by the community (Prasetyo, 2017). The enforcement of the code of ethics for health protocols by the DKPP aims to ensure that the regional election remain within the corridor of election principles with integrity. Not only that, the enforcement of ethics by the DKPP is based on achieving the values of justice and honor in the administration of elections. The presence of DKPP as a guarantor of the integrity quality of the Regional election is a reflection of the application of the rule of ethics in the rule of law (Prasetyo, 2020). Therefore, DKPP is the organ of the general election that saves the honor of the institution by stringing together the rays of virtue. Enforcement of the code of ethics for violations of the COVID-19 health protocol is one of the strengthening goals for the integrity of the regional election; which is not only oriented to protecting the good name of the election organizers from mere ethical violations, but making the organs of regional election the pioneers of compliance with the COVID-19 health protocol. If the election management organ violates the COVID-19 health protocol, it will be a paradox; considering that the election organizing organs issue regulations that impose sanctions on election participants who violate the health protocols as stated in Article 88A Paragraph (2) and (3) of Per. KPU No. 13/2020. Thus, it is not wrong if the health protocol has become an ethic that must be obeyed by each individual organ of regional election.

The implementation of the regional election in Indonesia must be oriented to the integrity aspect as an ethical consequence of the constitutional mandate; while adapting to new habits as an implication of the COVID-19 pandemic. Then, although only applied during the COVID-19 pandemic; Is the health protocol still considered a code of ethics for the election organizers? Yes. The code of ethics is seen as decency and continuous moral obligation without regard to aspects of space and time (Rhode et al., 2020); as well as the COVID-19 health protocol code of ethics. The health protocol that has become part of the code of ethics creates a moral obligation on the organs of the regional election to carry out the code of ethics continuously as a form of the reflection of good faith. This conception places "good faith" as a guideline for all actualizations that should be carried out in holding elections to achieve a high level of political legitimacy; by strengthening public trust through the enforcement of a code of ethics for the organs of election administration. Enforcement of health protocol violations as a code of ethics is aimed at refraining from doing something in the community, which in principle also aims to guarantee the interests of the community; especially regarding healthy. On the other hand, the enforcement of the code of ethics is oriented towards respect for the nation's democratic process; as well as compliance with legal instruments that regulate related to the regional election in order to realize good election governance.

The implementation of the regional election that does not pay attention to the code of ethics for the regional election is not only detrimental from the material aspect, but also creates social losses; it even has the potential to "disturb" the honor/dignity of an institution for the regional election itself. Therefore, the continued enforcement of the code of ethics – including the code of ethics for the

COVID-19 health protocol – is an effort to maintain the honor of the election administration institution; which is useful in order to maintain the level of public trust in the integrity of an institution as well. Thus, if the code of ethics is not enforced, public trust will fade and potentially lead to political apathy and the tendency not to entrust everything that is done by an election management institution. Therefore, the COVID-19 health protocol can still be said to be a code of ethics; despite the implementation of the code of ethics during the COVID-19 pandemic. Thus, the author has at least four important points regarding the urgency of enforcing the COVID-19 health protocol code of ethics. *First*, the enforcement of the code of ethics on the organs of the Regional Head General Election will give birth to a Regional Head General Election with integrity. The strength of the integrity of the General Elections organizer is the guarantee of ethical quality for the birth of an authoritative and moral election result. On the other hand, regarding electoral integrity; the result of contemplation of the good faith of the state will give birth to various integrity bases to strengthen the foundations of the nation's democracy. The realization of a democratic post-conflict local election is easy to achieve, if inclusiveness, transparency, and accountability (all of which refer to the value of integrity) are encouraged by all elements of the state. Thus, an election with integrity will provide an opportunity for the community to increase civic participation, communicate public dialectics, encourage competitive parties, strengthen government responsiveness, and open up opportunities for peace over the resolution of political conflicts. *Secondly*, the enforcement of the code of ethics on the organs of the regional head elections will give birth to a democratic regional head election. Improving the democratic quality of election administration is the antithesis of increasing fraud, in the pattern of "one step back, two steps forward" (Dawood, 2020). This means that the solution strategy to strengthen the regional election with integrity and democracy must be more reliable, than the potential for violations that may occur in the future; especially in democracies where the potential for fraud is very high. On the other hand, the essential components of the quality of democracy during the pandemic consist of universal suffrage, freely held regional election, competitive and capable candidates, law enforcement on policies to deal with COVID-19, and fair implementation of the entire local election process (Sharma, 2020). There are various conditions to give birth to an election with integrity and democracy (Tabori, 2020); including: a holistic legal framework for holding accountable elections, transparency mechanisms such as independent observation, professional and independent organizers, a participatory community, law enforcement steps in case of disputes, and implementation by taking into account the ethical and moral aspects of the community.

*Third*, the urgency of enforcing the code of ethics for the organs of the regional election is ethical rationality. This means that the enforcement of the code of ethics by the DKPP encourages the implementation of regional election by the state is not just a constitutional obligation, but an ethical obligation as well. On the other hand, the identical dynamics of democracy from regional election process must produce leaders with integrity; considering the integrity of the regional election, starting with the organ of regional election which has integrity

by upholding the ethics of the organizers. By paying attention to the code of ethics and morality, the series of regional elections as a reflection of the nation's democracy will be oriented to the interests of the wider community. The benefits felt by the community will be greater and include other people, if the procedures for organizing the regional election continue to pay attention to legal corridors and ethical and moral aspects. The ethical and moral aspects refer to a set of values that are upheld, widely shared and passed down (preserved), and contain cultural social values (Insole, 2020). That is, when the implementation of regional election is carried out with the desire to be honest and pay attention to public health –during the COVID-19 pandemic-; then we have helped perpetuate the ethical values that are growing in society. *Fourth*, maintain the 'self-respect' of the General Election. Even though ethical standards are placed as 'self-respect' for the implementation of regional election, they are 'written' using gold ink, they will still look 'pale' as long as the personal ethics of the election organizers are low (Ellis, 2020). The statement illustrates that the 'self-respect' for the continuation of regional election is very important; which can actually be done by minimizing horizontal and vertical conflicts – because of the democratic process – and strengthening the criteria for ethical and non-ethical actions for the organs of regional election . It is the ethical parameters of a country that have implications for the participatory aspects of society; considering that the right to vote is one of the reflections of Article 2 Number 1 of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia). It must be understood that the NRI Constitution has become the highest ethical guideline; the highest norm in the life of a nation and state. It should also be noted that ethical standards often appear to be part of the theological aspect (Hall, 1978). Then, over time; ethical standards as election 'self-respect' are placed on the object of strategic study; namely science and philosophy (ontology). Furthermore, in the era of positivism; ethical awareness arises to be written as is commonly called a code of ethics (Donnelly & Nardin, 1984). In the early 20th century, the code of ethics was identified with the integrity pact; However, regarding the enforcement of ethics, it was not discussed until the middle of the century (Levine, 2000). Therefore, at the end of the 20th century various opinions emerged about the urgency of ethical enforcement. Opinions that have developed and are accepted by the public will become public opinions; or so-called doctrine. Consequently, doctrine can be used as a source of law. When it becomes public, an opinion can be adopted as a public policy or a matter of law. Therefore, this doctrine leads to the conclusion that the dignity of the regional election is in the form of laws and regulations, the compliance of the organs of regional election Organizer to the code of ethics, and the integrity of regional election organizer itself.

## **CLOSURE**

### **Conclusion**

The relationship between ethics and politics gives birth to a complex concept. Although ethics are often alienated in the political realm as a consequence of the main political orientation that prioritizes the struggle for or

defense of power, ethics essentially includes good or bad judgments on processes related to seizing power or maintaining public power; as well as assessing how much benefit or good or bad the policies issued by public officials are. On the one hand, morality and ethics education is one of the main goals of the political community so that they always pay attention to the interests of the community as the main interest. Then, the determination of the COVID-19 health protocol as a code of ethics for the organs of the Regional Head Election by the DKPP is very appropriate and legally justified. This conclusion is based on several factors. First, DKPP has the authority to formulate and stipulate a code of ethics for the organs of the Regional Head Election as stated in Article 157 Paragraphs (1) and (2) of the Election Law. Second, DKPP has the authority to act decisively on violations of the code of ethics committed by the organs of the Regional Head General Election, including violations of the COVID-19 health protocol code of ethics. Third, the determination of the COVID-19 health protocol as a code of ethics for the organs of the Regional Head General Election is very relevant to the principles of the Regional Head Election as stated in Article 5 letter e Per. DKKP No. 2/2017 jo. Per. DKKP No. 1/2021 and Article 2 Paragraph (1) Per. KPU No. 13/2020. These principles include the principle of independence, the principle of public interest, the principle of honesty, the principle of professionalism, and the principle of effectiveness. Thus, the technical regulations of the DKPP and KPU clearly provide space for the emergence of a new code of ethics in the form of a code of ethics for the COVID-19 health protocol. Fourth, law enforcement against violations of the COVID-19 health protocol code of ethics is in accordance with applicable regulations. The birth of the code of ethics for the COVID-19 health protocol is an implementation of Article 3 of Per. DKKP No. 2/2017 in conjunction with Per. DKKP No. 1/2021; namely maintaining the honor and integrity of the organs of the General Elections Regional Head. Fifth, the health protocol is still said to be a code of ethics for the organs of election organizers. This is because the code of ethics is seen as a decency and continuous moral obligation without regard to aspects of space and time. The various arguments above will not be implemented; if there is no institutional strengthening of the regional head election organizers to carry out their respective duties in a sustainable and professional manner through the renewal of the 2021 general election law. This can be done through the preparation of joint regulations between the election organizing organs regarding the determination of the code of ethics for the administration of elections. On the other hand, internal strengthening can be carried out with various supporting activities such as institutional strengthening which is implemented in working meetings with relevant stakeholders; and strengthening the capacity of human resources in the secretariat of each organ of the General Election of Regional Heads.

### **Suggestion**

Then, DKPP needs to develop an information system for the enforcement of the code of ethics for election organizers to improve the quality of services in a transparent and accountable manner; oriented to minimize face-to-face activities during the COVID-19 pandemic. DKPP also needs to penetrate into functional,



structural, and behavioral aspects so that compliance with the code of ethics for election organizers will increase significantly. Not only that, DKPP can carry out further research or study on the DKPP's decision itself. This study serves as the basis for the preparation of the Ethical Compliance Index of Election Organizers (IKEPP). IKEPP acts as an ethical standard (guidelines for a shared code of ethics) in the implementation of elections with integrity and professionalism. IKEPP can provide instructions regarding certain indications within a certain period regarding the level of compliance in the ranks of the election management organs. Not only that, IKEPP will provide a road map as steps to strengthen the institutional organs for organizing the Regional Head Election itself. With the existence of IKEPP, it is hoped that the ethical behavior of individual election organizers will be higher; can have an impact on the small number of ethical trial cases by DKPP. Furthermore, DKPP can provide ethical education for the community; through collaboration with universities and several other state institutions in order to provide a more holistic socialization regarding the importance of ethics in the administration of elections

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