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## The Role and Independence of the DPR RI Ethics Council in Adjudicating Violations of the Members' Code of Ethics from the Perspective of the Principle of Justice

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**Abstract:** The independence of the Ethics Council of the House of Representatives of the Republic of Indonesia (BK DPR RI) is a crucial issue in maintaining the integrity, credibility, and accountability of the legislative institution. The BK DPR RI has the authority to examine, prosecute, and impose sanctions on DPR members suspected of violating the Code of Ethics as stipulated in Law Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD (MD3 Law) in conjunction with Law Number 13 of 2019, and clarified through DPR RI Regulation Number 1 of 2015 concerning the Code of Ethics and DPR RI Regulation Number 2 of 2015 concerning the Procedures of the Council's Ethics Court. However, in practice, the independence of the BK is often questioned due to the potential for political intervention, conflicts of interest between factions, and limited external oversight mechanisms. This study uses a juridical-normative and conceptual approach by examining the provisions of applicable laws and regulations as well as the principles of justice, which include the principles of due process of law, impartiality, and proportionality in imposing sanctions. The study's findings indicate that although the legal framework has normatively positioned the Ethics Council (BK) as the internal adjudicatory organ of the DPR, gaps remain between these norms and implementation, particularly regarding transparency, objectivity, and substantive justice for those audited. Therefore, strengthening BK's independence is urgently needed through reforms to the member selection mechanism, increased procedural accountability, and public oversight. The implications of this research emphasize that ensuring BK's independence is not merely a matter of enforcing internal discipline, but also a prerequisite for realizing justice, the rule of law, and public trust in the DPR RI as a democratic institution.

**Keyword:** DPR RI Ethics Council, Code of Ethics, Principle of Justice.

### INTRODUCTION

The legislative body represents the people and has a moral and legal responsibility to maintain public trust (Nugraha, 2023). The existence of the House of Representatives of the

Republic of Indonesia (DPR RI), as a pillar of democracy, demands high ethical standards to prevent abuse of authority or behavior that harms the institution's honor (Lian, 2024). Ethical violations within the DPR often give rise to polemics, which ultimately undermine the institution's legitimacy in the eyes of the public (Dheafany, Nabila, Efsya, & Aji, 2024). Implementing the DPR RI Code of Ethics is a crucial tool to ensure that members' behavior remains within moral and legal boundaries, consistent with democratic values and public integrity (Jelly & Prihana, 2025). Upholding parliament's honor through enforcing the code of ethics requires a robust, transparent, and equitable mechanism.

The DPR RI Ethics Council (BK) was established as a complementary body responsible for upholding ethics and restoring the institution's dignity in the event of moral or disciplinary violations by members (Sari & Reni, 2023). The existence of the BK is not merely a symbol of internal oversight, but rather a manifestation of the legislative institution's responsibility to maintain the accountability of its members to the public (Syarifuddin & Novario, 2019). The BK's function extends beyond repression to address violations, but also through preventive measures, through fostering political ethics. The mechanisms implemented by the BK directly influence public perception regarding the extent to which the DPR upholds the principles of good governance (Hadji et al., 2025). Transparency in the ethics enforcement process is one of the primary measures used by the public to assess the fairness and consistency of the institution.

Public trust in the DPR RI is determined not only by its legislative and oversight performance, but also by the morality of its members (Wijaya, 2025). Ethical violations often give rise to the perception that the legislative institution is rife with personal and group interests. This situation demonstrates the importance of BK's existence as an internal institution that functions to correct member behavior that deviates from the principle of honor. Consistent enforcement of ethics can serve as a form of moral accountability for the DPR to the public, who have given it a political mandate (Widodo, Pratama, & Orwela, 2024). Every ethical violation should be viewed as a threat to the institution's legitimacy, not simply an administrative violation.

Issues related to the independence of the Audit Board (BK) often become a public debate due to its position within a political structure fraught with factional interests. BK members come from factions that also have political interests, raising concerns about conflicts of interest in ethical decision-making (Al Musyaawi, Maulina, & Rifqi, 2023). This situation has the potential to create bias in enforcing sanctions for violations involving colleagues from the same faction or political coalition. The integrity of the ethics court is crucial to ensure that justice is not merely perceived formally but also substantively by the public (Syaroni, 2023). Balancing political interests and the principle of justice is a challenge that must be addressed through the reformulation of the ethics system and governance in the DPR.

Research on the enforcement of the Indonesian House of Representatives' code of ethics is highly relevant for legal development and institutional governance. This study can provide insight into the extent to which the principle of justice is applied in the ethics court run by the Constitutional Court. The principle of justice demands an objective, non-discriminatory examination process based on reliable evidence (Tampi, 2021). The Constitutional Court's success in carrying out its ethical mandate will reflect the internal effectiveness of the DPR as a state institution subject to the rule of law. Evaluation of the implementation of this ethical mechanism is also crucial for identifying weaknesses that can be addressed through strengthening regulations and oversight systems.

The theoretical basis used in this research involves the theories of justice as proposed by John Rawls and Aristotle. Rawls emphasized justice as fairness, a principle that guarantees equal rights and protects the vulnerable (Suhardin, 2023). Aristotle highlighted the

importance of distributive and corrective justice as a form of moral and social balance in communal life (Jasmine, Otich, Setiawan, & Mufid, 2025). These two perspectives are relevant to assessing the extent to which the BK's decisions reflect substantive, not merely procedural, justice. An ideal ethics court should ensure that every member of the House of Representatives (DPR) is treated equally, regardless of political position or power (Kambu, Rakia, & Yati, 2025).

In addition to the theory of justice, this research also relies on the theory of the independence of adjudicative institutions, which emphasizes the importance of ethics enforcement institutions being free from political interference (Haikal & Amarini, 2025). This theory explains that institutions carrying out judicial functions, including ethics courts, must have autonomy in decision-making (Pudjiastuti, 2023). Independence not only means freedom from external influence but also freedom from internal pressure and partisan loyalty. BK's independence in carrying out its duties is a key measure of success in upholding justice in the legislative realm (Salamah & Hadi, 2023). Ethical policies or decisions influenced by political interests will undermine the principle of justice and diminish the DPR's moral legitimacy before the public.

The conceptual framework of this research includes an understanding of the normative function of the DPR RI BK, which includes the obligation to uphold the institution's honor and dignity. The ethics oversight function serves as the basis for the BK to assess and take action against any violations of the code of ethics committed by members of the House of Representatives (DPR). Furthermore, the function of restoring the institution's honor is realized through a process of clarification, reputation rehabilitation, and the imposition of proportionate sanctions (Arbie, Palilingan, & Rorie, 2023). These three functions form an integral system that supports the creation of dignified legislative governance. The clarity of this concept helps assess the effectiveness of the implementation of the code of ethics in maintaining the image and legitimacy of the people's representative institution.

The concept of code of ethics violations is a crucial part of this research framework. DPR RI Regulation No. 1 of 2015 regulates the forms of ethical violations, categories of sanctions, and mechanisms for handling them. Violations can include actions that tarnish the institution's honor, violate the oath of office, or abuse of power. Classification of sanctions also includes reprimands, dismissal from office, and recommendations for dismissal from DPR membership (Karyati, 2022). The clarity of these norms and categories of violations significantly determines the direction of ethical justice implementation within the DPR.

The legal framework governing the Ethics Council of the Indonesian House of Representatives (DPR RI) is stipulated in Law Number 17 of 2014 concerning the People's Consultative Assembly (MPR), the House of Representatives (DPR), the Regional Representatives Council (DPD), and the Regional People's Representative Council (DPRD) (MD3 Law), as amended by Law Number 13 of 2019. Articles 119 to 124 regulate the structure, functions, and authority of the Ethics Council, including the investigation, examination, and decision-making processes for ethical violations. Furthermore, DPR RI Regulation No. 2 of 2015 concerning the Ethics Council's Procedures provides technical guidelines regarding examination and evidentiary procedures. These two regulations form the normative framework that serves as the operational basis for the Ethics Council in upholding ethical justice.

The existence of a clear legal and theoretical framework provides direction for this research to assess the effectiveness of the implementation of the code of ethics within the DPR RI. Exploring the Ethics Council's practices in upholding ethical norms will provide insight into the extent to which the theory of justice can be realized in institutional practice. The application of the principle of justice, not only formally but also substantively, is a key

benchmark for the success of a parliamentary ethics system. This study is expected to enrich the discourse on constitutional law and provide constructive recommendations for strengthening the legislative ethics oversight system in Indonesia.

## METHOD

This research uses a normative juridical method with a statutory approach and a conceptual approach. The statutory approach is used to examine positive legal norms that regulate the position, authority, and function of the Ethics Council of the Indonesian House of Representatives in enforcing the code of ethics, especially as regulated in Law Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD in conjunction with Law Number 13 of 2019, as well as various internal regulations of the DPR such as Regulation of the DPR RI Number 1 of 2015 concerning the Code of Ethics and Regulation of the DPR RI Number 2 of 2015 concerning the Ethics Council Procedures. Through this approach, the research examines the extent to which these legal norms guarantee the independence of the Ethics Council in upholding the principle of justice and protecting the integrity of the legislative institution from the influence of practical politics. Meanwhile, the conceptual approach is used to understand and connect basic concepts such as the principle of justice, the independence of ethical institutions, and institutional accountability in the context of the Indonesian state system. This approach helps the author interpret the philosophical and theoretical meaning of justice in the realm of parliamentary ethics, while also providing a framework for formulating more ideal normative and institutional recommendations. By combining these two approaches, this research not only emphasizes textual analysis of positive law but also offers a deep conceptual understanding to strengthen the independence and effectiveness of the DPR RI Ethics Council in realizing just enforcement of the code of ethics.

## RESULTS AND DISCUSSION

### **The Role of the DPR RI Ethics Council in Enforcing the Members' Code of Ethics**

The Ethics Council (BK) of the Indonesian House of Representatives (DPR RI) holds a strategic position as a permanent body responsible for maintaining the honor, dignity, and image of the legislative institution. BK's position is not merely symbolic but also operational, ensuring that all DPR members adhere to the established Code of Ethics. BK's existence affirms that every legislative member is bound by moral and behavioral standards that align with the public's mandate. BK's ethical oversight function plays a crucial role in rebuilding public trust in the DPR, particularly when the institution faces scrutiny due to the behavior of its members. BK's successful performance in carrying out its duties reflects the parliament's commitment to upholding the values of integrity and public responsibility.

The BK's position also fosters close relationships with other DPR bodies, such as the Commissions, the Legislative Body, and the Consultative Body. This relationship is coordinative while maintaining the boundaries of each institution's authority to avoid overlapping. The BK collaborates with the DPR Secretariat General to support administrative needs, documentation, and the implementation of ethics hearings. Every report or complaint received is handled in a structured manner with the support of experts and secretariat staff. This integration creates an orderly and efficient working system in handling allegations of ethical violations by DPR members.

BK's function as an ethics supervisor places it as an internal judicial body with moral and legal authority over member behavior. This function serves not only as a disciplinary tool but also as an educational tool that fosters ethical awareness among legislative members. The BK is responsible for assessing whether a member's actions violate the ethical values inherent in public office. This role also serves to maintain the integrity of the institution and prevent it

from engaging in practices that damage the DPR's image in the eyes of the public. Carrying out this function requires moral sensitivity and legal firmness to ensure that the BK's decisions are truly fair and proportional.

The legal basis governing the duties and authorities of the House of Representatives' Ethics Council (MKD) is stipulated in Articles 122 through 125 of Law Number 17 of 2014 concerning the People's Consultative Assembly (MPR), the House of Representatives (DPR), the Regional Representatives Council (DPD), and the Regional People's Representative Council (DPRD), as amended by Law Number 13 of 2019. These provisions affirm that the MKD has the authority to investigate, verify, and examine alleged violations of the DPR Member Code of Ethics, whether based on or without a complaint. Furthermore, the MKD has the authority to summon the member being complained about, examine evidence, and present relevant witnesses during the examination process.

The basis for carrying out the MKD's duties is further regulated in DPR Regulation Number 1 of 2015 concerning the DPR Code of Ethics, specifically Articles 20 and 21, which govern the form of violation, types of sanctions, and the MKD's authority to impose ethical sanctions on DPR members who violate the Code of Ethics. Furthermore, this is regulated in House of Representatives Regulation Number 2 of 2015 concerning the Procedures of the Council's Ethics Council, particularly Articles 5 through 17, which explain the procedures for examination, summoning members and witnesses, and the decision-making mechanism in MKD hearings. These two regulations provide a strong legal basis for the MKD to examine and rule on alleged ethical violations in a transparent and accountable manner. Every MKD action must be based on the principles of fairness, objectivity, and procedural order to avoid the appearance of arbitrary action. The MKD's firmness and integrity are key factors in maintaining the dignity and honor of the people's representative institution.

BK's duties extend beyond the examination stage; they also encompass the ethical adjudication process leading to decision-making. This institution has the authority to adjudicate ethical cases based on evidence and arguments presented during internal hearings. This aims to ensure that every DPR member facing a complaint has an equal opportunity to defend themselves. The principle of substantive justice must be upheld so that BK's decisions reflect a balance between the interests of the institution and individual rights. This adjudicative process is an integral part of the legislative accountability system, which is based on transparency and justice.

The stages of handling ethical violations begin with complaints filed by the public, fellow members of the House of Representatives (DPR), or other state institutions. Each complaint must be verified to ensure its substance and relevance to the DPR RI Code of Ethics. After verification, BK conducts a preliminary investigation to determine whether the report is worthy of further investigation. The investigation process involves summoning relevant parties and examining the supporting evidence presented. This stage is a crucial foundation for maintaining the credibility of the final decision and preventing public doubt about the legitimacy of the process.

Ethics hearing is the most crucial stage in enforcing the Code of Ethics because it determines whether a DPR member has violated ethical norms. This hearing process must uphold the principle of *audi et alteram partem*, which provides an opportunity for both parties to present their views and defend themselves. This principle ensures that no decision is made unilaterally without hearing testimony from the reported party. The application of this principle reflects the application of due process of law in enforcing legislative ethics. Transparency in ethics hearings is also necessary for BK's decisions to have moral legitimacy in the eyes of the public. BK's decisions can include moral or administrative sanctions, depending on the severity of the violation. Moral sanctions typically take the form of a warning or public statement intended to have a social impact on minor violations. For more



serious violations, the BK can recommend dismissal from office or even from membership in the DPR. The implementation of sanctions must consider the principle of proportional justice to avoid the appearance of discrimination. Each decision must also be publicly published as a form of institutional accountability to the public.

The effectiveness of sanction implementation is a key indicator in assessing BK's success in enforcing discipline and ethics within the DPR. Consistently implemented sanctions can have a deterrent effect and strengthen the institution's integrity. However, if sanctions are merely symbolic without firm administrative follow-up, BK's credibility will be questioned. Implementation of decisions also requires support from the DPR leadership and secretariat so that the results of ethics hearings have executive power. Consistent enforcement of sanctions will demonstrate the legislative institution's real commitment to public moral values.

Enforcing the Code of Ethics through BK impacts not only on individual members but also on the overall image of the DPR RI as a representative institution. Any firm action against ethical violations demonstrates that the House of Representatives (DPR) will not tolerate deviant behavior within its own ranks. The existence of the Audit Board (BK) symbolizes that moral oversight comes not only from outside but also from within the legislative body. Strengthening the role and institutional capacity of BK will encourage improvements in national political integrity standards. Continuous reformulation of the ethics enforcement system can make the BK a pioneer in establishing an ethical culture among Indonesian public officials.

### **Independence of the DPR RI Ethics Council from the Perspective of the Principle of Justice**

The independence of the Ethics Council of the House of Representatives (DPR RI) is normatively guaranteed through statutory provisions, particularly Law Number 17 of 2014 concerning the People's Consultative Assembly (MPR), the House of Representatives (DPR), the Regional Representatives Council (DPD), and the Regional People's Representative Council (DPRD), as amended by Law Number 13 of 2019. Articles 119 to 124 of the MD3 Law provide the legal basis affirming the Ethics Council's position as a permanent DPR-appointed body with autonomy in carrying out its ethics enforcement function. DPR RI Regulation Number 1 of 2015 concerning the Code of Ethics and DPR RI Regulation Number 2 of 2015 concerning the Procedural Procedures of the Ethics Council detail the working mechanisms, member selection, and decision-making processes. These norms emphasize that the Ethics Council should act independently without pressure from political factions or specific interests. This normative guarantee is intended to ensure that the Ethics Council's decisions truly reflect justice and are not used as a tool for temporary political interests.

The election system for members of the DPR RI Ethics Council is regulated based on the balance of the composition of the parliamentary factions, so that political representation remains an inherent part of its structure. Each faction has the right to appoint representatives to the Ethics Council, which in practice creates the potential for political dependence in decision-making. This structure creates a dilemma between the principle of political proportionality and the demands of the ethical body's independence. The existence of Ethics Council members who are also members of political parties can give rise to conflicts of interest when cases being tried involving colleagues from the same faction. This situation illustrates that although the Ethics Council's independence is normatively guaranteed, structurally, it is not completely free from the influence of internal DPR politics.

The political dependence stemming from the proportional faction system often impacts the objectivity of the Ethics Council's decisions. Decisions that should be based on

evidence and ethical norms are sometimes influenced by political considerations and group pressure. This pattern blurs the line between ethical interests and power interests, ultimately weakening the institution's credibility. In some cases, the Ethics Council appears cautious in making decisions regarding members from large factions, but more assertive in dealing with members from smaller factions. This imbalance is one indicator that the independence of the legislative ethics body still faces serious challenges at the implementation level.

The implementation of the Ethics Council's independence in practice demonstrates complex dynamics when dealing with politically charged cases. Several published cases of violations of the House of Representatives' code of ethics demonstrate a tension between moral interests and political calculations. Sanctions against members holding strategic positions in factions or commissions are often slow or result in compromised decisions. This phenomenon demonstrates that the ethics adjudication process within the House of Representatives is not entirely free from subjective considerations stemming from political solidarity. This reality reinforces the view that the independence of the Audit Board is not solely an institutional matter but also concerns the personal integrity and moral commitment of its members.

Political interference in the Audit Board can take various forms, from direct pressure from faction leaders to subtle forms of persuasion that influence decision-making. This pressure is not always explicit but can take the form of pressure to align decisions with specific political interests. The existence of a collegial collective system in the House of Representatives further strengthens this potential for influence, as important decisions are often made based on deliberation between factions. This situation poses a unique challenge for Audit Board members to maintain the principles of objectivity and professionalism. Moral courage is a key factor in determining whether the Audit Board can truly carry out its functions without being influenced by the political dynamics surrounding it.

The principle of fairness in the ethical adjudication process requires the application of the principle of due process of law, which ensures that every member of the House of Representatives (DPR) being questioned receives equal procedural rights. The questioning process must be conducted based on valid evidence and through transparent stages to avoid the appearance of discrimination. The principle of *audi et alteram partem*, or the right to be heard by both parties, must be upheld to ensure balance in the process. This procedural fairness is the primary foundation for ensuring that every BK decision is rationally and morally accepted by the public. When procedures are followed correctly, the legitimacy of decisions is enhanced, even if the results may generate political debate.

Justice also requires the principle of impartiality, or impartiality, to be inherent in every member of the BK. Impartiality means that decisions should not be influenced by political affiliations, personal relationships, or external pressure. This principle is at the heart of substantive justice, which assesses decisions not only by their process but also by the moral values they embody. Violation of this principle will undermine BK's integrity and undermine public trust in the DPR as a whole. Fulfilling the principle of impartiality requires a strong ethical commitment from BK members, who must place the interests of the institution above those of their party or individuals.

Proportionality is the next principle that determines the extent to which sanctions are commensurate with the severity of the offense. Ethical sanctions must reflect a balance between the seriousness of the offense and the moral responsibility of the perpetrator. Decisions that are too lenient for serious violations, or vice versa, will harm the public's sense of justice. The BK must ensure that every decision is based on an objective assessment of the impact of the member's behavior on the institution's honor. The application of proportionality also serves as a form of moral education so that DPR members understand the ethical consequences of their actions. The gap between procedural justice and substantive justice

often arises in the practice of the Constitutional Court (BK) when legal norms have been implemented, but the results do not reflect the public's sense of justice. A process that appears legally valid is not necessarily deemed socially just if the BK's decisions are disproportionate or appear politically motivated. This phenomenon demonstrates that the implementation of the principle of justice depends not only on written norms but also on the morality of the ethics enforcers themselves. Fulfilling substantive justice requires BK to have the courage to uphold norms despite the potential for resistance from political circles. Efforts to harmonize legal justice and moral justice are a major challenge in realizing credible legislative ethics enforcement.

The main obstacles to the independence of the BK DPR RI stem from three major factors: structural, normative, and cultural. The structural factor relates to BK's membership composition, which is still based on representation of political factions, making decisions vulnerable to party influence. The normative factor arises from limited regulations that do not fully provide mechanisms to protect the independence of the ethics body. The cultural factor reflects the DPR's internal culture of political solidarity, which often prioritizes faction loyalty over ethical responsibility. These three factors create a cycle of challenges that will be difficult to break without institutional reform and a shift in political culture toward professionalism. BK's true independence will only be realized if each member can position themselves as guardians of ethics, not simply extensions of the political forces that govern them.

## CONCLUSION

Overall, the Ethics Council of the Indonesian House of Representatives (DPR RI) has a solid normative foundation based on Law 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) in conjunction with Law Number 13 of 2019, and is supported by DPR RI Regulation Number 1 of 2015 concerning the Code of Ethics and DPR RI Regulation Number 2 of 2015 concerning the Ethics Council's Procedures. This legal standing provides strong legitimacy for the Ethics Council in carrying out its ethical oversight function of DPR members, ensuring that they consistently uphold the dignity of the legislative institution. However, empirically, the Ethics Council's independence has not been fully realized due to the potential for political interference in the examination and decision-making processes. This situation creates an imbalance between the ideal principle of justice, which demands objectivity, and the reality of institutional practices, which are often influenced by the interests of factions or political parties. As a result, ethical decisions do not always reflect the principle of substantive justice but rather tend to accommodate internal DPR political considerations.

Therefore, strengthening the Ethics Council's independence is a strategic step to uphold justice and restore public trust in the legislative institution. Regulatory reform needs to be directed at refining the provisions of the MD3 Law and its implementing regulations to better ensure neutrality, transparency, and accountability in every ethics enforcement process. Furthermore, institutional reform through a more open selection mechanism for BK members and the involvement of external elements such as academics, public ethics experts, or independent oversight bodies will strengthen the institution's moral legitimacy. Implementing transparency in ethics hearing results and publicly publishing decisions also demonstrates public accountability. Therefore, strengthening the independence of the BK is not merely a procedural matter, but a substantive requirement for creating a just, democratic, and highly integrated legislative system.



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