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Implication of the Constitutional Court Ruling on the Binding Character of the Election Organizer Ethics Council Decision
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Abstract
This article aims to examine the implications of the Constitutional Court Decision Number 32/PUU-XX/2021 on the decision of the General Election Organizers Honorary Council (DKPP) which is final and binding as stipulated in Article 458 paragraph (1) of Law Number 7 of 2017 concerning General Elections, where the arrangement does not regulate which parties are bound by the DKPP decision. The method used is normative, using a statutory approach and a conceptual approach, focusing on studying secondary data, and then analyzing qualitatively-descriptively. The implication of the issuance of the Constitutional Court (MK) Decision on the binding nature of the DKPP decision include: First, it is only binding on the President, the General Election Commission, Provincial Election Commission, Regency/City General Election Commission, and the Election Supervisory Board. Second, the binding nature of DKPP's legal product in the form of a Decision must be interpreted as a Decision of State Administrative Officials (Dea-binding) which is individual, concrete, and final, not the nomenclature of "decision (verdict)". Court legal considerations, namely: The phrase "final and binding" has been submitted to a judicial review in the Constitutional Court against the previous election law, guaranteeing legal certainty and eliminating legal confusion about the nature of DKPP decisions which are different from the nature of judicial decisions in general. DKPP institutions are placed on an equal footing with the Bawaslu and KPU.

Keywords: Constitutional Court, Election Organizer Ethics Council, Binding Character.

1. Introduction
Indonesia as a constitutional state can only be realized by state institutions that obtain authority by attribution from laws as derivatives of the constitution, where statutory state institutions are given authority as executors of government through a mechanism of checks and balances to avoid possible the use of tyrannical, hegemonic and centralized power, as well as providing performance monitoring activities between state institutions to realize state goals based on law.
In the regime of Law Number 7 of 2017 concerning General Elections (hereinafter abbreviated as the Election Law), one of the three general election organizers (Pemilu) is the Election Organizer Ethics Council (DKPP), in addition to the General Election Commission (KPU) and the Election Supervisory Body (Bawaslu). The three institutions are a unified function of holding elections as stipulated in Article 1 point 7 of the Election Law, furthermore with regard to DKPP arrangements it is regulated in Article 155, Article 166 of the Election Law that these institutions are tasked with dealing with violations of the election organizers' code of ethics (Aspan and Suwandi, 2022).
The Election Organizer Honorary Council (DKPP) is a new institution that carries out mixed functions namely administrative, regulatory and punitive functions (Puspitasari, 2018). This was confirmed by the Constitutional Court in Decision Number 32/PUU-XX/2021 which reads "the powers and obligations of the DKPP in the Election Organizers Law are designed in the mechanisms and working procedures of the court (quasi-judiciary) to examine and decide on alleged violations of the election organizers' code of ethics".
In maintaining the dignity of the election code of ethics, the DKPP has the right to hold a hearing to follow up on reports or findings related to violations of the code of ethics by election organizers. This is confirmed in Article 159 paragraph (1) of Law Number 7 of 2017. DKPP has the following tasks:
a. Receive complaints and/or reports of alleged violations of the code of ethics committed by election organizers; and

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