

REGULATION OF THE REGIONAL HOUSE OF REPRESENTATIVES
OF THE REGENCY OF BREBES
NUMBER 104 OF 2022
ON THE PROCEDURES OF THE HONORARY BODY
OF THE REGIONAL HOUSE OF REPRESENTATIVES

BY THE BLESSINGS OF ALMIGHTY GOD

REGIONAL HOUSE OF REPRESENTATIVES
OF THE REGENCY OF BREBES,

Considering : that to implement the provisions of Article 63 of Government Regulation Number 12 of 2018 on the Guidelines for Formulating the Rules of Procedure of the Regional Houses of Representatives at the provincial, regency, and municipal levels, it is necessary to issue a Regulation of Regional House of Representatives on the Procedures of the Honorary Body of the Regional House of Representatives of the Regency of Brebes.

Observing : 1. Law Number 13 of 1950 on the Formation of Regencies within the Province of Central Java (State Gazette of the Republic of Indonesia of 1950 Number 42);
2. Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to State Gazette of the Republic of Indonesia Number 5587) as amended several times last by Law Number 11 of 2020 on Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);
3. Government Regulation Number 12 of 2018, Guidelines for Formulating the Rules of Procedure of the Regional Houses of Representatives at the provincial, regency, and city levels (State Gazette of the Republic of Indonesia of 2018 Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 6197).

HAS DECIDED:

To issue : THE REGULATION OF THE REGIONAL HOUSE OF REPRESENTATIVES ON THE PROCEDURE OF THE HONORARY BODY OF THE REGIONAL HOUSE OF REPRESENTATIVES.

CHAPTER 1 GENERAL PROVISIONS

Article 1

In this Regulation of the Regional House of Representatives:

1. Regional House of Representatives (*Dewan Perwakilan Rakyat Daerah*) of the Regency of Brebes, hereinafter abbreviated to DPRD, means the Regional Representatives Institution as an element of the Local Government of Brebes Regency.
2. Members of the DPRD mean the Leader and Members of the Brebes Regency DPRD.
3. Local Government means the administration of government affairs by the Local Government and the Regional House of Representatives in accordance with the principles of regional autonomy and accompanying duties, with the principle of maximum possible autonomy within the Unitary State of the Republic of Indonesia, as referred to in the 1945 Constitution of the Republic of Indonesia.
4. Local Government means the Regent as the Administering Element of Local Government who leads the execution of Government affairs within the region's autonomous authority.
5. Leader of the DPRD means the Speaker and the Vice Speakers of the Brebes Regency DPRD.
6. Faction means the grouping of DPRD members based on the party configuration resulting from the General Elections.
7. Faction Leader means the Chairman, Deputy Chairman, and Secretary of the DPRD Faction.
8. Leader means the DPRD Leader, the Leader of Other Complementary Organs, and the Faction Leader.
9. Honorary Body of the DPRD hereinafter referred to as the Honorary Body means the Honorary Body of the Brebes Regency DPRD.
10. Leader of the Honorary Body means one Chairman and one Deputy Chairman of the Honorary Body who are elected from and by the Members of the Honorary Body.
11. Ethics Code of DPRD, hereinafter referred to as the Ethics Code means a norm that is required to be complied with by every member of the DPRD while carrying out their duties in order to maintain the dignity, honor, image, and credibility of the Brebes Regency DPRD.
12. Rules of Procedures of DPRD means rules determined by the DPRD that apply within the internal environment of the Brebes Regency DPRD.
13. Procedure of the Honorary Body of the Regional House of Representatives, hereinafter referred to as the Procedure means a collection of basic provisions that guide how the Honorary Body carries out its duties and authority related to breach committed by DPRD members against the Ethics Code and Rules of Procedure.
14. Breach means an act by a Brebes Regency DPRD member that conflicts with the Rules of Procedure or the DPRD Ethics Code, as well as other dishonorable acts that are inappropriate for a DPRD member.

15. Complaint means a written complaint submitted with initial evidence that an alleged incident of breaches directly involving a DPRD member has occurred to the complainant.
16. Report means a written notification accompanied by initial evidence that an alleged breach of the Rules of Procedure or Ethics Code has occurred.
17. Complainant means a person who directly suffers from the breach committed by a DPRD member.
18. Reporter means a member of the DPRD, a non-governmental organization (NGO), or a community member who witnesses or becomes aware of a breach by a DPRD member.
19. The accused means a DPRD member who is being reported.
20. Respondent means a DPRD member who is being reported.
21. Investigation means a series of actions to search for and uncover an alleged event of being an alleged breach.
22. Examination means a sequence of actions by the Honorary Body to determine whether the existing evidence has been deemed sufficient to proceed to trial.
23. Trial means a meeting conducted by the Leader and Members of the Honorary Body to clarify or verify complaints or reports of an alleged Breach.
24. Clarification means the process of in-person examination by the Honorary Body of the complainant or reporter, witnesses, or other involved parties to determine the clarity and truth of a complaint or report of an alleged breach.
25. DPRD confidentiality means any activity related to the duties and authority of the DPRD that, by its nature and form, cannot be disclosed to other parties until the specified time or until the issue is publicly announced.
26. Rehabilitation means a statement of restoring the good name of the Leader of the Complementary Organs and DPRD Members who were not proven to have breached the Oath/Promise, Ethics Code, Rules of Procedures, or other Legislation.
27. Admissible evidence means the testimony of witnesses, documents, expert testimony, statements from the accused or the reported party, and other evidentiary materials.
28. Defense means the right to defend oneself by the accused or the reporting party, conveyed to the Honorary Body either orally or in writing.
29. Decision means the ruling established based on the conclusions of the examination, including the investigation results, clarifications, and verifications conducted regarding an alleged breach.

CHAPTER II

DUTIES AND AUTHORITY OF THE HONORARY BODY

Article 2

- (1) The Honorary Body has duties to:
 - a. monitor and evaluate the discipline and compliance of DPRD members with the oath and the Code of Ethics;
 - b. investigate alleged breaches of the oath and the Code of Ethics by DPRD members;

- c. conduct investigations, verifications, and clarifications of complaints from the DPRD leader, DPRD members, and/or the public; and
 - d. report the decisions of the Honorary Body on the results of investigations, verifications, and clarifications as referred to in point c to the Plenary Session.
- (2) The duties of the Honorary Body are carried out to uphold the morality, dignity, honor, image, and credibility of the DPRD.
 - (3) In carrying out the investigations, verifications, and clarifications as referred to in section (1), point c, the Honorary Body may request assistance from independent experts.

Article 3

In carrying out the duties as referred to in Article 2, Honorary Body has authority to:

- a. Summon DPRD members who are alleged of violating the oath/promise and the Code of Ethics to provide clarification or defense regarding the alleged breach.
- b. Request statements from the complainant, witnesses, or other related parties, including requesting documents or other evidence.
- c. Impose sanctions on DPRD members who are proven to have violated the oath/promise and the Code of Ethics.

CHAPTER III CONTENT AND PROCEDURE OF COMPLAINTS

Part one Material

Article 4

- (1) DPRD members, Non-governmental Organisations, and/or community members may submit complaints regarding alleged breaches committed by DPRD members.
- (2) The complaints as referred to in section (1) must be in writing and signed or affixed with a thumbprint by the complainant on the stamped form, accompanied by complete identity information and the proof of the alleged breach must be submitted to the DPRD leader, with a carbon copy to the Honorary body.
- (3) The Honorary body is obligated to maintain the confidentiality of complaints submitted by the complainant.

Part 2 Complaints Procedure

Article 5

The complaint is submitted in writing in the Indonesian Language.

Article 6

The complaint is submitted to the Honorary Body through the Secretariat of the DPRD on workdays.

Article 7

- (1) After receiving the complaint, the Secretariat of the DPRD verifies the completeness of the complaint, including:
 - a. the complainant's valid identity;
 - b. the respondent's identity;
 - c. the alleged case; and
 - d. the evidence related to the facts of the reported incident.
- (2) To verify the administrative elements and the substance of the complaint, the Honorary Body is assisted by the Secretariat of the DPRD and experts.
- (3) The Secretariat of the DPRD, as referred to in section (2), conducts verification of the completeness of the complaint's administrative documentation.
- (4) The experts as referred to in section (2) verify the substantive content of the complaint.
- (5) The Secretariat of the DPRD and the experts report the verification results as referred to in sections (3) and (4) to the Honorary Body not later than five workdays.
- (6) If the complaint has been declared complete administratively and complies with the provisions of the Rules of Procedure and the Ethics Code, the complaint is received by the Secretariat of the DPRD, and the complainant is issued a receipt letter for the complaint, which is then submitted to the Honorary Body meeting.
- (7) If the complaint is not complete, the Secretariat of the DPRD notifies the complainant of the incompleteness, and the complainant is requested to complete the complaint within seven days commencing from the date of the notification.
- (8) If the completeness of the complaint as referred to in section (7) is not fulfilled, the complaint is not registered in the register book.
- (9) A complaint that is declared not accepted and after the period as referred to in section (7) is not fulfilled, cannot be resubmitted.
- (10) A complaint is submitted without being charged a fee.

Article 8

- (1) If the complainant is unable to write, the complaint may be conveyed orally.
- (2) If the complaint is conveyed orally as referred to in section (1), the Secretariat of the DPRD writes down the oral complaint.
- (3) The complaint as referred to in section (2) is read to the Complainant and signed or affixed with a thumbprint by the Complainant.

CHAPTER IV BREACH AND SANCTION

Part one Breach

Article 9

- (1) The Honorary Body carries out procedural duties and authority regarding all types of breaches committed by a member of the DPRD.
- (2) The types of breaches as referred to in section (1) consist of:
 - a. Breaches of prohibited actions;
 - b. Breaches of mandatory actions; and
 - c. Breaches of improper actions.

Article 10

Breaches of mandatory actions are those as referred to in Article 7 of the DPRD Regulation on the Ethics Code of the DPRD.

Article 11

Breaches of prohibited actions are those as referred to in Article 17 of the DPRD Regulation on the Ethics Code of the DPRD.

Article 12

Breaches of actions that are not proper to be performed by a member of the DPRD are those as referred to in Article 18 of the DPRD Regulation on the Ethics Code of the DPRD.

Article 13

Breaches that do not require a complaint are breaches related to the absence of a DPRD member, namely, absences in DPRD meetings.

Part two Breaches Categorizations

Article 14

- (1) Minor breaches are breaches of the Ethics Code with the following criteria of:
 - a. not involving any criminal offense;
 - b. Absence from meetings, which are functions, duties, and authority, for six (6) consecutive times without explanation;
 - c. relating to personal and family ethics;
 - d. relating to rules of procedure that are not covered by the mass media.
- (2) Moderate breaches are breaches of the Ethics Code with the following criteria of:
 - a. Involving a criminal offense;
 - b. Repeating acts that have been subject to minor sanction by the Honorary Body;
 - c. Repeating absences from meetings that are duties, functions, and authority for six (6) consecutive times without explanation after previously receiving a minor sanction;

- d. Relating to breaches of meeting discipline that attract public attention.
- (3) Major breaches are breaches of the Ethics Code with the following criteria of:
 - a. Repeating acts that have been subject to moderate sanction by the Honorary Body;
 - b. Failing to fulfil obligations as referred to in the Laws governing the DPRD;
 - c. Inability to perform duties continuously or a permanent impediment as a member for three (3) consecutive months without a valid explanation;
 - d. No longer meeting the qualifications as a member as set out in the provisions governing the election of members of the DPR, DPD, and DPRD;
 - e. Violating provisions on prohibition as regulated in the Laws governing the DPRD;
 - f. Being caught red-handed in committing a criminal act; and
 - g. Being proven to have committed a criminal act with imprisonment for a minimum of 5 (five) years, and having obtained a final and binding decision.

Part Three Sanction

Article 15

Members who are violating the Ethics Code will be subject to sanctions as follows:

- a. Minor sanction with a verbal or written warning;
- b. Moderate sanction with the reassignment of membership to a DPRD instrument body or dismissal from the position of the DPRD leader or from leader of a DPRD instrument body; and
- c. Major sanction with temporary dismissal for a minimum of 3 months or dismissal as a member of the DPRD.

CHAPTER V TRIAL

Part One Trial Investigation

Article 16

- (1) A trial concerning allegations of breaches that have been reported or submitted is conducted in a session of the Honorary Body.
- (2) A valid decision is reached when attended by at least 5 members, one of whom is the Chair or Vice-Chair of the Honorary Body.
- (3) If the person being investigated is a member of the Honorary Body who is alleged to have committed a breach, then the quorum for the trial is reduced by one member who is investigated.
- (4) The trial of the Honorary Body is led by the Chair of the Honorary Body, and if the Chair is unable to attend, the trial is led by the Vice-Chair of the Honorary Body.

- (5) If both the Chair and the Vice-Chair of the Honorary Body are unable to attend or if they themselves are the respondents being investigated, then the session is led by one of the Honorary Body members chosen by consensus.
- (6) An Official Record of Investigation is created in every trial of the Honorary Body.
- (7) In conducting the trials, the Honorary Body may be assisted by an independent expert.

Article 17

- (1) The Honorary Body's trials are declared open to the public, except in the case of the investigation of morality or cases involving confidential state, in which the trials are declared closed to the public.
- (2) The investigation in the trial of the claimant or reporter, the defendant or the person reported, and the witnesses is carried out separately, at different times.
- (3) The investigation of the defendant or the person reported is carried out after the investigation of the claimant or reporter and witnesses.

Article 18

- (1) The trial begins with the reading of the complaint or report regarding the alleged breach.
- (2) The next session will request information from the claimant or reporter, the defendant, or those who are reported and witnesses to carry out clarification and verification.
- (3) The trial of Honorary Body will continue until the decision is made, for a maximum of 60 (sixty) days.

Part Two

Evidence Instrument

Article 19

- (1) Decision-making must be based on at least 2 (two) valid pieces of evidence.
- (2) Valid evidence, as referred to in section (1), is:
 - a. Witness testimony;
 - b. Letters;
 - c. Expert testimony;
 - d. Statement from the defendant or reported party;
 - e. The other evidences.
- (3) The trial of an Honorary Body may establish the validity of a piece of evidence.

Article 20

- (1) Witness testimony is information on what the witness knows, sees, hears, or experiences themselves.
- (2) Before stating information, the witness must swear or promise in accordance with their religion to provide truthful information.
- (3) Witness statements that can be used as evidence are statements given at the court session of the Honorary Body.

Article 21

- (1) A documentary evidence instrument is a document prepared in an official form, sworn to by oath of office or ratified by oath of office, or made pursuant to the applicable laws and regulations, or another document created by the parties that shows the existence of a particular legal relation.
- (2) Documents that can be used as valid documentary evidence are those obtained in the proceedings of the Honorary Body.

Article 22

- (1) Expert testimony is testimony given by a person based on the special expertise they possess.
- (2) Before giving testimony, an expert must take an oath or pledge in accordance with their religious tenets to provide true and accurate testimony based on their expertise.
- (3) Expert testimony that can be used as documentary evidence is testimony given in the trials of The Honorary Body.

Article 23

- (1) The description of the respondent or the accused is testimony given in the trials of The Honorary Body.
- (2) Before providing testimony, the respondent or the accused must swear or pledge in accordance with their religious beliefs to provide truthful and accurate testimony.
- (3) The testimony of the respondent or the accused that can be used as documentary evidence is testimony given in the trials of The Honorary Body.

Article 24

Other documentary evidence is evidence in the form of information that is spoken, written, transmitted, or stored, photographed, electronically recorded, or the like, and is related to the alleged breach.

Part Three The Defense

Article 25

The respondent or the accused has the right to submit a defense that they present in the Honorary Body session, either orally or in writing.

Article 26

- (1) The defense presented by the respondent or the accused in the trials may be taken into account by The Honorary Body.
- (2) The consideration referred to in section (1) may consist of accepting or rejecting part or all of the defense.

Part Four
Withdrawal of a Complaint or Report

Article 27

A complaint or report shall be deemed to be dismissed if:

- a. the respondent or the accused dies;
- b. the respondent or the accused has resigned as a member of the Regional House of Representatives (DPRD); or
- c. The provision allegedly violated is declared inapplicable or repealed.

Part Five
Protection of the Complainant and the Reporter

Article 28

- (1) The Head of the Regional House of Representatives (DPRD) and The Honorary Body are required to keep the identity of the Complainant or Reporter confidential.

If necessary, the Honorary Body may request law enforcement authorities to provide security protection for the Complainant or Reporter.

CHAPTER VI
CONCLUSION OF THE HONORARY BODY COURT HEARING

Article 29

- (1) The Conclusion of the Honorary Body court hearing is in the form of a decision.
- (2) The Honorary Body's decision may indicate that a breach has occurred or has not occurred.
- (3) If the conclusion of the court hearing states that the respondent or the accused is proven to have committed a breach, The Honorary Body shall impose a sanction on the DPRD member who is proven to have violated the Code of Ethics and/or the DPRD Rules of Procedure, based on the results of investigation, clarification, and verification.

Article 30

The Honorary Body's decision-making meeting is based on:

- a. The principle of propriety;
- b. Facts contained in the verification hearing results;
- c. Facts established in the evidentiary process;
- d. Facts presented in the defense; and
- e. The Rules of Procedure or the Code of Ethics.

Article 31

The Honorary Body's decision must contain:

- a. The decision shall read "IN THE NAME OF HONOR WITH GOD THE ALMIGHTY."
- b. The full identity of the respondent or accused.
- c. A concise description of the facts and circumstances and the evidence obtained from the examination during The Honorary Body court hearing.
- d. The applicable Rules of Procedure or Code of Ethics that have been violated.

- e. Considerations regarding the facts, circumstances, and evidence uncovered during the Honorary body's examination.
- f. Legal considerations that form the basis of the decision.
- g. Recommendations to the DPRD leader on the sanctions to be imposed for rehabilitation.
- h. Time and place of decision-making.
- i. Signatures of the Chairperson of the Session and the Honorary body members.

Article 32

- (1) The Honorary Body's decision is based on the results of the deliberations.
- (2) The decision issued is final.

Article 33

- (1) The decision referred to in Articles 29, 31, and 32 shall thereafter be set as a DPRD decision in the Plenary Meeting.
- (2) The Plenary Meeting referred to in section (1) shall be held no later than 7 (seven) days after The Honorary Body's decision is received by the DPRD leadership.
- (3) The DPRD decision referred to in section (1) is final.

Article 34

The DPRD decision referred to in Article 31 shall be communicated to:

- a. the complainant or plaintiff;
- b. the respondent or accused; and
- c. the leader of the respective faction.

CHAPTER VII REHABILITATION

Article 35

- (1) If the Honorary Body decides that there is no proven breach, The Honorary Body shall issue a decision with a recommendation for the rehabilitation of the good name of the respondent or the complainant.
- (2) The rehabilitation referred to in section (1) shall be set by a DPRD decision and announced in the Plenary Meeting.
- (3) The DPRD leadership must announce the rehabilitation in the local mass media.

CHAPTER VIII AMENDMENTS OF PROCEDURAL LAW RULES

Article 36

- (1) Amendments to the Honorary Body's procedural rules may be proposed by at least 7 (seven) DPRD members, comprising at least 3 (three) factions.
- (2) The proposed amendments referred to in section (1) shall be submitted in writing, along with explanations to the DPRD leader, accompanied by a list of proposers' names and signatures and the name of the faction.

- (3) The proposed amendments referred to in section (2) shall be submitted by the DPRD leader to the Working Deliberative Body (*Badan Musyawarah*) for discussion and decision.
- (4) The decision of the Working Deliberative Body shall be forwarded by the DPRD leader to the Plenary Session for decision.

Article 37

All provisions that have been established and relate to these Regulations, insofar as they do not conflict with higher-ranking regulations, shall remain in effect.

CHAPTER IX
CLOSING PROVISION

Article 38

This regulation shall come into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette of the Regency of Brebes.

Issued in Brebes
on 22 December 2022

CHAIRMAN OF THE REGIONAL HOUSE
OF REPRESENTATIVES OF THE
REGENCY OF BREBES

signed

MOKHAMMAD TAUFIQ

Promulgated in Brebes
on 22 December 2022

REGIONAL SECRETARY
OF THE REGENCY OF BREBES

signed

Ir. DJOKO GUNAWAN, M.T

REGIONAL GAZETTE OF THE REGENCY OF BREBES OF 2022 NUMBER 104

Jakarta,
Has been translated as an Official Translation
on behalf of the Minister of Law
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,

DHAHANA PUTRA