

THE DIGNIFIED JUSTICE PERSPECTIVES ON THE ENIGMA OF HEALTH PROTOCOLS COVID-19 AS A CODE OF ETHICS

Ermanto Fahamsyah
Faculty of Law, University of Jember
ermanto_fahamsyah@yahoo.co.id

Fradhana Putra Disantara
Master of Law, University of Jember
dfradhana@gmail.com

Abstract

Ethics and law are often related to politics, not least in the Regional Head Election (Pemilukada). However, the implementation of legal and ethical relations in political dynamics is often a matter of debate, not a code of ethics. The purpose of this study is to examine aspects of the relationship between ethics and politics in terms of legal compliance, providing a study of the validity of the COVID-19 Health protocol as a code of ethics at regional head elections from the perspective of dignified justice. This legal research uses primary and secondary legal materials with a conceptual and statutory approach. The results of the study stated that from the point of view of legal compliance, the code of ethics is an element that should be applied in political life; because the code of ethics will encourage the participants of the Pemilukada to have three main characteristics, namely compliance, identification, and internalization. Then, the perspective of dignified justice assesses the position of the COVID-19 health protocol as a code of ethics as valid and relevant to legal practice, the concept of legal reform, and the general idea of the theory of dignified justice.

Keyword: Code of Ethics; COVID-19 Health Protocol; Dignified Justice; Pemilukada.

A. INTRODUCTION

Implementing the democratic aspect manifested in the general election certainly raises specific problems. This is based on considering how technically complex the implementation of the General Election is. Logistics and logistics needs and administrative matters characterize the main event of the democratic country.¹ Therefore, the general election requires various forms of legitimacy to carry out various technical aspects of the general election. Nevertheless, the implementation of the general election is oriented to the conditions at the time it was carried out, including during the Corona Virus Disease 2019 pandemic (COVID-19).²

1 Toby S. James and Sead Alihodzic, When Is It Democratic to Postpone an Election? Elections During Natural Disasters, COVID-19, and Emergency Situations, *Election Law Journal: Rules, Politics, and Policy*, Vol. 19, No. 3, September 2020, page 344–362 at 351.

2 Rizaldi Parani et al., Compliance to Health Protocols in the Implementation of the 2020 Regional Elections, *Journal of Governance*, Vol. 6, No. 1, June 2021, page 104-116 at 108.

Adjustments, as carried out by the organ administering the general election, are a moral obligation to maintain the nature of democracy and the supremacy of the constitution through general elections that support legal and social aspects of order and order.³ Therefore, the implementation of General Elections during the pandemic has implications and influences on the technicalities of general elections. So, things that become limitations as a consequence of the COVID-19 pandemic must be implemented, considering the health and safety of the parties involved in a plan that must always uphold general elections. The adjustment was also carried out at a five-year event in Indonesia in the form of the Regional Head General Election (*Pemilukada*), which was held in 2020.

The schedule provides a different view from the *Pemilukada* in the previous era. Elections in 2020 provide an obligation for all parties to implement the COVID-19 health protocol, such as using masks, face shields, and hand sanitizer.⁴ This is an effort to break the chain of the spread of COVID-19 amid the implementation of the nation's and state's democratic agenda. In this plan, the organ of the *Pemilukada* has a big responsibility; starting from providing series and schemes that do not cause a crowd, giving health protocol facilities at polling stations, picking up balls to serve citizens' voting rights -if someone is tested positive for COVID-19-, maintaining the sterilization of 'polling stations' (TPS), and acting decisively regarding the implementation of the COVID-19 health protocol for all parties with interest in the *Pemilukada*, including the organ that organizes the *Pemilukada* itself.

The organizing organs of the *Pemilukada* that technical issue procedures and legal products that legitimize the implementation of the *Pemilukada* provide moral consequences that aspects of integrity and code of ethics are a moral responsibility for all parties. Of course, the legal effects and ethical values are accepted by a party who issues the provisions and parameters, then the party violates them. Then the received impacts are much heavier than the other party. Moreover, integrity and decency are the correct and substantive styles of holding general elections⁵. So, if the *Pemilukada* organizers consider the COVID-19 health protocol, the violation is included in the code of ethics violation category.⁶ The COVID-19 health protocol as a code of ethics for *Pemilukada* is moral compliance, considering public health is the primary orientation in implementing democracy.⁷

3 David Schultz, *Election Law and Democratic Theory*, Taylor & Francis, Milton Park, 2016, page 16.

4 Fathul Hamdani and Ana Fauzia, Legal Discourse: The Spirit of Democracy and Human Rights Post Simultaneous Regional Elections 2020 in the Covid-19 Pandemic Era, *Lex Scientia Law Review*, Vol. 5, No. 1, May 2021, page 97–118 at 105.

5 Tom Tabori, *A Practical Guide to Election Law*, Law Brief Publishing, Somerset, 2020, page 52.

6 Humas DKPP-RI, Alfitra Salamm: Tingkatkan Kedisiplinan Untuk Cegah COVID-19, dkpp.go.id, 20a20, <https://dkpp.go.id/alfitra-salamm-tingkatkan-kedisiplinan-untuk-cegah-covid-19/>.

7 Humas DKPP-RI, Penyelenggara Harus Jadi Pelopor Kepatuhan Protokol Kesehatan, dkpp.go.id, 2020, <https://dkpp.go.id/penyelenggara-harus-jadi-pelopor-kepatuhan-protokol-kesehatan/>.

On the other hand, based on the perspective of dignified justice, the code of ethics is a moral parameter that becomes compliance for those who have rights and authorities regarding public duties and obligations.⁸ Moreover, the principle of ethics contains moral orders and prohibitions that serve as guidelines for carrying out orderly and prosperous legal acts.⁹ Violations of the COVID-19 health protocol code of ethics have been proven in several cases;¹⁰ In fact, the matter has been decided, and sanctions have been imposed on those who violate the code of ethics. However, there are some assumptions that the code of ethics for the COVID-19 health protocol does not have a fixed nature;¹¹ remember, the COVID-19 pandemic is considered a temporary cause. Thus, adjusting the principle of ethics related to implementing the *Pemilukada* is not sustainable.¹²

On the other hand, the available legal instruments do not provide room for extensive interpretation of the novelty of the code of ethics as part of legal reform. Therefore, this legal research has two legal issues. First, How is the relationship between ethics and politics in legal compliance perspective? *Second*, what is the perspective of dignified justice regarding the Health protocol as a code of ethics for implementing the *Pemilukada*?

B. RESEARCH METHODS

Legal research *The Dignified Justice Perspectives on the Enigma of Health Protocols COVID-19 as a Code of Ethics* is a series of efforts to obtain the truth of coherence by identifying various norms that contain legal principles with various existing legal regulations. The conceptual approach and statute approach are used as approach methods in this legal study.¹³ This legal study uses primary legal materials in the form of statutory regulations and other legal instruments; and uses secondary legal materials in the form of journal articles, books, etc. Researchers inventoried the two legal materials to obtain a holistic prescription to obtain comprehensive study results. So, researchers systematically so that they can conclude the legal problems being studied.

8 Teguh Prasetyo, *Keadilan Bermartabat Perspektif Teori Hukum*, Nusa Media, Bandung, 2017, page 71.

9 Prasetyo, page 72.

10 Boyke Ledy Watra, 13 Penyelenggara Pemilu Terbukti Langgar Kode Etik, *antaranews.com*, 2020, <https://www.antaranews.com/berita/1834560/13-penyelenggara-pemilu-terbukti-langgar-kode-etik>.

11 Fitria Chusna Farisa, Pilkada 2020, Catatan Soal Pelanggaran Protokol Hingga Kekhawatiran Penularan Covid-19, *Kompas.com*, 2020, <https://nasional.kompas.com/read/2020/11/24/09353691/pilkada-2020-catatan-soal-pelanggaran-protokol-hingga-kekhawatiran-penularan?page=all>.

12 Fitria Chusna Farisa, Bawaslu Sebut Pengaturan Protokol Kesehatan Pilkada Mentok Di Undang-Undang, *Kompas.com*, 2020, <https://nasional.kompas.com/read/2020/09/25/08091261/bawaslu-sebut-pengaturan-protokol-kesehatan-pilkada-mentok-di-undang-undang?page=all>.

13 A'An Efendi, Dyah Octorina Susanti, and Rahmadi Indra Tektora, *Penelitian Hukum Doktrinal*, Laksbang Justitia, Surabaya, 2019, page 39.

C. RESULT AND DISCUSSION

1. Ethics and Political Relations: Legal Compliance Perspective

Political dynamics can have an ethical content when following legal instruments as applicable, including the code of ethics. This background is the moral goal of politics which provides as much space as possible as a joint effort to create peace, a more futuristic paradigm shift, freedom, and justice.¹⁴ These goals are crystallized in the form of ethical compromise as outlined in the principles of political ethics.¹⁵ However, it should be noted that the principles of political ethics are embodied in a code of ethics which is the essential element of legal compliance. The code of ethics within the scope of political dynamics becomes a channel to achieve legal compliance.¹⁶ Therefore, the results of democracy as embodied in the General Election will not be meaningful if there is no code of ethics as an essential element of legal compliance.¹⁷ Of course, significant events such as general elections are a mechanism for replacing leaders and representatives of the people who are directly and legitimately elected as a scheme to determine the direction of national development. The ideals of national development are based not only on economic and infrastructure aspects,¹⁸ but also on legal reform to maintain the dignity of the principle of the rule of law. The code of ethics as part of legal compliance aims to protect the interests of others based on the rights and obligations of other people as well; Thus, this behavior reflects a society that has high morals and good ethics in political life.

From a legal compliance perspective,¹⁹ the code of ethics applied in the political sphere can be described in terms of three main characteristics. *First, compliance.* The code of ethics encourages political actors to have a sense of compliance, even though such compliance tends to target 'false actions' because he has a perspective that is not in harmony with something that he does. Nonetheless, to this extent, political actors can show the public that compliance with all ethical and legal matters is an obligation for every citizen. Even if the political actors only provide examples on the 'behavioral' aspect; and not an 'attitude,' the code of ethics can put pressure on the political actor to have a fear of being sanctioned for violating the things regulated in the legal instrument.

14 Nicole Scicluna, *Politics International Law*, Oxford University Press, New York, 2021, page 111.

15 David Killoren, Emily Crookston, and Jonathan Trerise, eds., *Ethics in Politics: The Rights and Obligations of Individual Political Agents*, Routledge, New York, 2017, page 85.

16 Tracey Calvert, *Regulation, Compliance and Ethics in Law Firms*, Globe Law and Business Limited, London, 2020, page 67.

17 Calvert, page 68.

18 O. S. Ladeinova, Moral-Philosophical Expertise as a Tool of Evolution of Law (A Case Study of Program-Strategic Documents), *Actual Problems of Russian Law*, Vol. -, No. 7 August 2019, page 21–26 at 23.

19 Calvert, *Regulation, Compliance and Ethics in Law Firms*, page 80.

A code of ethics in the dynamics of politics at the level of compliance guides political actors to avoid legal sanctions; although, political actors did it. In this regard, in the aspect of the *Pemilukada*, for example, an election organizing organ based on a code of ethics can provide supervision over the actions of all political actors, including *Pemilukada* candidates and their supporters. This is because, when in the *Pemilukada* conditions, political actors tend to comply with the regulations if there is an election management organ that oversees their actions, and therefore they also obey the law.²⁰ For example, when the candidate for regional head and his team conduct a campaign, COVID-19 health protocols are often ignored by supporters and/or candidates for the *Pemilukada*. However, when the election management organs carry out inspections, the organizers 'condition' all participants to use the COVID-19 health protocol. However, if the organizing organ of the *Pemilukada* leaves the location, the candidate's supporters will again ignore the COVID-19 health protocol. Thus, the code of ethics that are part of legal compliance will disappear instantly if there is no intense supervision. So, the weakness at this level is that the supervision as carried out by the organizing organs of the *Pemilukada* must be carried out continuously, even though this is impossible if it is carried out.

Second, identification. In essence, at this level, the existence of a code of ethics in the political realm encourages legal subjects not only to obey the law so that they are not subject to sanctions but to create and maintain good legal relations by not doing any actions that reach other parties. The application of the code of ethics in the *Pemilukada* is oriented to prevent the destruction of social relations that have been formed before the implementation of the *Pemilukada*; Thus, the code of ethics has a role in preventing someone from having horizontal and vertical conflicts with each other. Thus, politicians should have an elaborative meaning of legal compliance through the code of ethics; *de facto* and *de jure* have an excellent track record as this element is one of the political preferences of the community.

Third, internalization. The code of ethics is obeyed by someone at the highest level when that person accepts all parts of the code of ethics; including the norms formed by institutions and other people, as they affect him and the substance of the code of ethics, which also has extrinsic values as well as being beneficial to himself. In this action, the code of ethics manifests in behavior and attitudes, both public and not visible in public by politicians. For example, when campaigning recognizes the importance of their supporters; thus, instruct their supporters regarding an obligation that the agenda will be carried out through strict health protocols. Therefore, he argues that if the law is contrary to ethics and morality, it is no longer considered law. Thus, the existence of a code of ethics in the practice of the state and nation, not

20 Mark Tushnet, Institutions Protecting Democracy: A Preliminary Inquiry, *The Law & Ethics of Human Rights*, Vol. 12, No. 2, November 2018, page 181–202 at 187.

least in the political aspect, actually requires people always to build good morality.

As part of legal compliance, the code of ethics has become essential for all political actors to get power to be legitimized by the community. The code of ethics provides an effort to ensure respect for the rights and obligations of others;²¹ Thus, the order in political dynamics can be achieved. However, policies and decisions issued by political actors when he becomes a leader must be based on legitimacy. If these political actors lose their legitimacy, then all their efforts will not have any meaningful substance for the community, considering that the community has been -possibly- apathetic with them. This would be dangerous; Therefore, distrust will target actions that trigger horizontal and vertical conflicts and can even lead to disobedience and disintegration.²² Thus, when a leader does not have trust, the leader has lost legitimacy and lost substantial power. Therefore, a code of ethics in the political realm is an obligation for all parties to create orderly legal compliance and a political climate that does not cause problems in the future.

2. The Dignified Justice Perspectives on the Enigma of Health Protocols COVID-19 as a Code of Ethics

The proper assessment of the code of ethics in the *Pemilukada* agenda is the authority of the Ethics institution in Indonesia, namely the Election Organizers Honorary Council (DKPP).²³ DKPP has the function to provide all aspects of supervision and assessment of the code of ethics of all participants in the *Pemilukada*.²⁴ Based on the provisions contained in Article 159 Paragraph (1) *jo.* Paragraph (2) *jis.* Paragraph (3) of Law Number 7 of 2017 concerning General Elections, DKPP has the authority to take firm action against violations of the code of ethics as carried out by the organizing organs of the *Pemilukada*; no exception for the organs of regional head elections that violate the COVID-19 health protocol code of ethics.

Why is that? The organizing organs of the *Pemilukada* are role models for the parties interested in the event, remember that the organs of the *Pemilukada* should have an integrity aspect.²⁵ Thus, if the Election Organizing Organisation does not enforce the COVID-19 health protocol, this phenomenon can give rise to a sense of apathy and skepticism in the

21 Martjan Iovan, Analysis of the Connections Between Law and Morals, Between Customs and Contemporaneity, *Journal of Legal Studies*, Vol. 25, No. 39, June 2020, page 57–68 at 62.

22 Kim Lane Scheppele, Law in a Time of Emergency: States of Exception and the Temptations of 9/11, *Journal of Constitutional Law*, Vol. 6, No. 5, May 2004, page 1001-1083.

23 Muhammad Muhammad and Teguh Prasetyo, *Eksistensi DKPP RI Dalam Mengawal Demokrasi Dan Pemilu Bermartabat*, Rajawali Pers, Depok, 2018, page 55.

24 Teguh Prasetyo, *DKPP RI: Penegak Etik Penyelenggara Pemilu Bermartabat*, Rajawali Pers, Depok, 2018, page 33.

25 Muhammad and Prasetyo, *Eksistensi DKPP RI Dalam Mengawal Demokrasi Dan Pemilu Bermartabat*, page 59.

community,²⁶ towards the Election Organizing Organisation. The implications of these actions can give rise to a reluctance that creates 'passive participation from the community towards the nation's democratic agenda.'²⁷ Therefore, it will cause 'harm' to the nation's democratic values, considering that the success of democracy is a reflection of the sovereignty of the people, which is manifested in the form of 'ballot papers'. The code of ethics can be related to the philosophy of law, which has a close relationship with the primary orientation of the DKPP,²⁸ namely the theory of Dignified Justice. The theory of Dignified Justice is used as a perspective in this study; because this theory was built in Indonesia based on ethical and moral values as contained in legal sources or materials in Indonesia.²⁹ The existence of the COVID-19 health protocol as a code of ethics can also be studied based on legal practice from the perspective of dignified justice.³⁰ *First*, ethics is a model of human legal life. The code of ethics becomes the justification for the 'proper or inappropriate behavior carried out, including in the political sphere. The code of ethics is also the basis for a person's assessment of the legal acts committed by the other person. Therefore, if the implementation of the *Pemilukada* is colored by matters that touch on ethical issues; and harms other people, then this shows that the legal subject has carried out the wrong legal method. Therefore, a code of ethics for the COVID-19 health protocol is an effort to guide and encourage the public to fully understand the law as the main guideline in implementing the agenda for the five-year event. By understanding and implementing the ethical principles stated in the legal instruments regarding the *Pemilukada*, a person can take legal actions without 'injuring' the rights and obligations of others.

Second, the dignified quality of law is an ethical, legal instrument. The perspective of dignified justice theory has provided an understanding that ethics as the main element of the code of ethics has a higher position than law. It is based on law, with moral aspirations formed based on the standardization of ethics and morality. In the case of the COVID-19 health protocol as a code of ethics for the *Pemilukada* organizers, the code of ethics is an effort to prevent the public from paying attention to the sociological aspect in fact; thus, it becomes an intrinsic part of itself. If the understanding is elaborative, then every activity related to the *Pemilukada* is based on legal products that do not violate the ethical aspect. This is because ethics relates to the existence of other people. Thus, every legal subject - not to mention the

26 Ben Palmquist, Equity, Participation, and Power, *Journal of Law, Medicine & Ethics*, Vol 48, No. 3, January 2020, page 393–410 at 400.

27 Lien Pham and Ance Kaleja, Political Participation under Conditions of (Democratic) Duress, *Politics* Vol.40, No.2, May 12, 2020, page. 154–69,

28 Prasetyo, *DKPP RI: Penegak Etik Penyelenggara Pemilu Bermartabat*, page 42.

29 Fradhana Putra Disantara, Perspektif Keadilan Bermartabat Dalam Paradoks Etika dan Hukum, *Jurnal Litihasi (e-Journal)*, Vol. 22, No. 2, Oktober 2021, page 205–229 at 221.

30 Teguh Prasetyo, *Pemilu Dan Etika Penyelenggaraan Pemilu Bermartabat*, Nusamedia, Bandung, 2019, page 47.

candidates for regional heads - who ethically tries to reflect the content of community values that are expected and developed as part of legal reform.

Third, the practice of law in all aspects has a novelty following the community's needs. Making the COVID-19 Health protocol a code of ethics is a significant need for the community. This is an effort to improve the discipline of all parties who are part of the General Elections agenda. This discipline will provide a sense of security and comfort for all parties so that public participation will boost the democratic value of a nation. Moreover, all practices based on applicable provisions as part of the *Pemilukada* have significant implications for all parties, considering that these provisions' technical, procedural, and substance aspects have material rights and obligations for each legal subject.

The general idea from the perspective of Dignified Justice provides an assessment that places the COVID-19 protocol as a code of ethics,³¹ as it is done based on several things. *First*, the law is based on how it belongs to God. COVID-19 as a pandemic indeed endangers the safety and health of the community. As a moral mandate, the law has a function to look at conditions to provide substantive protection for the community, inseparable from the safety and health of the community.³² People who are creatures of God should indeed be given protection in a legitimate scheme as carried out by the state.³³ They are the primary legal subjects to carry out and understand legal methods related to the governance of their international relations in the community and provide regular guidance on their rights and obligations.³⁴ Therefore, a state that accepts the competent authority to make law legally in an applicable system, of course, still considers aspects related to the community. Thus, extensively interpreting Health protocols as a code of ethics is a progressive endeavor to 'humanize humanity.' Therefore, ethical law is a law that does not contain aspects of barbarism; as morality and ethics in the part of barbarism are not considered to be implemented in an applicable legal system.

Second, the health protocol as a code of ethics starts from the philosophical values of the Indonesian nation. Why is that? Therefore, the application of the law at the philosophical level is to implement the law with various schemes without leaving the fundamental aspects of the essential elements of the state;³⁵ as ethics and respect for the human

31 Teguh Prasetyo, *Hukum Dan Teori Hukum Perspektif Teori Keadilan Bermartabat*, Nusa Media, Bandung, 2020, page 72.

32 William Lucy, Access to Justice and the Rule of Law, *Oxford Journal of Legal Studies*, Vol. 40, No. 2, June 2020, page 377–402 at 381.

33 R. D. Lumb, Natural Law and Legal Positivism, *Journal of Legal Education*, Vol. 11, No. 4, 1959, page 503–512 at 506.

34 César S. Arjona, The Usage of What Country: A Critical Analysis of Legal Ethics in Transnational Legal Practice, *Canadian Journal of Law & Jurisprudence*, Vol. 32, No. 02, August 2019, page 259–283 at 270.

35 Paul Chaney, Human Rights and Social Welfare Pathologies: Civil Society Perspectives on Contemporary Practice across UK Jurisdictions – Critical Analysis of Third Cycle UPR Data, *The International Journal of Human Rights*, Vol. -, No. -, July 2020, page 1–36 at 11.

rights of every human being are part of the main objective of the formation of Pancasila. Therefore, realizing a reformative code of ethics is one of the efforts to maintain respect for human rights, as when someone does not pay attention to aspects of the COVID-19 health protocol during the COVID-19 pandemic, then the person has the potential to harm the health of others. On the other hand, ethical through a form of legal instrument has become an obligation to consistently develop and grow to maintain the nature of the law itself.

Third, the concept of renewing the code of ethics is an attempt to approach God's mind.³⁶ Ethics can certainly always be related to all beliefs and religions embraced by humans.³⁷ Ethics is a moral and instinctive character directed through the guidelines as such religion and belief.³⁸ Of course, ethics is one of the main orientations so that humans have a good feeling and do not injure or violate the rights and obligations of others. Religion and belief uphold it; because religion and belief maintain respect for the rights and obligations of others.³⁹ Thus, when connected with this, the presence of the Health protocol as a code of ethics aims to maintain ethical aspects as an orientation of religion and belief. Community obedience to the principle of ethics as a basis for behavior will provide its good, both legally and socially. Legal goodness, as referred to, is a condition when a person carries out the provisions contained in a legal instrument and does not violate the provisions of these provisions to maintain the dignity of others. Meanwhile, social goodness means that the relationship between the community and other communities is well maintained and continuous within the scope of constructive and elaborative interactional relationships.

Fourth, ethics as the basis for the code of ethics for the COVID-19 health protocol is the naturalist jurisdiction of the community. Ethics is the legal character of the community to reason about the commands that should be carried out to maintain order and order in society. On the other hand, ethics will affect humans whether a person follows orders from the benefits that have been contained in religious and belief guidelines.⁴⁰ Moreover, ethics is eternal and will last forever, considering that ethics has become the basis of state life for the people.⁴¹ Therefore, the establishment of a code of ethics for conflict health protocols as part of the code of ethics is to guide humans to create order and order based on the rationality possessed by humans, considering that if people do not take care of themselves rather than others, it is also dangerous for

36 Prasetyo, *Hukum Dan Teori Hukum Perspektif Teori Keadilan Bermartabat*, page 61.

37 Jerome Hall, Religion, Law and Ethics - A Call For Dialogue, *The Hastings Law Journal*, Vol. 29, No. 1, 1978, page 1257–1281 at 1275.

38 Hall, page 1278.

39 Samuel J. Levine, Law, Ethics, and Religion in the Public Square: Principles of Restraint and Withdrawal, *Marquette Law Review*, Vol. 83, No. 4, 2000, page 733–783 at 777.

40 Thomas L. Shaffer, On Religious Legal Ethics, *Catholic Lawyer*, Vol. 35, No. 4, 1994, page 393–399 at 396.

41 L Skene, The Role of the Church in Developing the Law, *Journal of Medical Ethics*, Vol. 28, No. 4, August 2002, page 215–218 at 216.

others. Moreover, the COVID-19 pandemic will endanger public health, so it has become a moral order for legal subjects to look after each other for their safety and order.

Fifth, the COVID-19 Health protocol as a code of ethics is an effort to build a new paradigm regarding the code of ethics, as the construction of a code of ethics is the moral ideal of the law. This is because a code of ethics is required to be inclusive according to existing developments. Extensive interpretation of the code of ethics is an effort to build a new paradigm to provide a comprehensive aspect of novelty and benefit. This paradigm will give birth to a moral command and prohibition produced in the human subconscious, which can carry out legal action and relates to the rights and obligations of others. These orders and prohibitions aim to maintain public order.

On the other hand, the concept of legal reform from the perspective of dignified justice also explains that the health protocol as COVID-19 is an effort that should be done.⁴² *First*, the COVID-19 health protocol as a code of ethics is an effort to test the code of ethics as stated in the provisions of the legislation to be implemented extensively to achieve substantial changes to obtain justice according to applicable regulations. The step of placing the COVID-19 Health protocol as a code of ethics is necessary to test the progress of the law against the conditions being faced. This is one of the efforts to overhaul the regulatory system to ensure public safety during the COVID-19 pandemic. Therefore, if a code of ethics comes from conditions that have a significant impact; then, the legal principles or principles as stated in the relevant laws and regulations will fulfill the objectives of implementing the law as an elaborative and comprehensive system.⁴³

Second, the existence of the COVID-19 health protocol as a code of ethics is an effort to involve many components to achieve the substance objectives of the legislation. It has become a moral consequence that the birth of the law aims for the community's welfare and provides legitimacy for everything regulated in the law.⁴⁴ Thus, the delivery of the COVID-19 health protocol as a code of ethics is part of the process to achieve the best orientation and results by increasing awareness of the rights of the private community with obligations that the government must carry out. However, the law and code of ethics cannot run in place alone. Thus, the law and regulation of ethics must be relevant to the community's real life.

Third, the COVID-19 health protocol as a code of ethics is a moral requirement of the law. Therefore, adjusting the materials contained in the legislation is a way to justice by giving legitimacy to the operational

42 Teguh Prasetyo, *Pembaharuan Hukum: Perspektif Teori Keadilan Bermartabat*, Setara Press, Malang, 2017, page 104.

43 Jörg Philipp Terhechte, Judicial Ethics for a Global Judiciary – How Judicial Networks Create Their Own Codes of Conduct, *German Law Journal*, Vol. 10, No. 4, April 2009, page 501–514 at 503.

44 A'an Efendi and Dyah Octorina Susanti, *Ilmu Hukum*, Prenada Media, Jakarta, 2021, page 30.

definition of the law. On the other hand, the code of ethics as a tangible form of morality is an inherent part of the law; Thus, the aspect of the character is contained in the provisions that become law, such as laws and regulations. Moreover, the code of ethics reform is one form of reform to build a legal system with good order and transportation. This renewal is the will and need of the people to realize reforms in all fields of development, in this aspect, especially in the areas of ethics and law.

Fourth, the COVID-19 health protocol as a code of ethics is an effort to instill moral values that grow and develop in Indonesia's ineffective regulation. Indonesia has a strong relationship regarding ethical or moral aspects as a state of the law. Moreover, Indonesia often justifies the legal system based on values that grow and develop in society.⁴⁵ Not only that, these values become a filter for all matters relating to the law as they come from outside Indonesia. This is done so that Indonesian law will always run based on Pancasila as the nation's soul. Thus, that argument is the basis for the code of ethics to be renewed by categorizing COVID-19 health protocols. Community safety and protection values have become the principal aspects of morality in every law and regulation.⁴⁶ On the other hand, this effort is a manifestation of implementing the law as the nation's soul, considering that the legal paradigm born in Indonesia rests on the most significant interest for society and instinctive and physical safety for the community.

Fifth, the COVID-19 protocol as a code of ethics is the essential parameter of moral work or the functioning of the law as a legitimate source. Therefore, the legal rules as contained in the legal instruments try to examine aspects related to law and the code of ethics in a linked way. The code of ethics is a benchmark of propriety that applies in society, as in this case, the law also aims to provide formal etiquette so that the community follows the general guidelines as specified in these provisions.

D. CONCLUSION

Ethical and legal relations have implications for political life, not least in the *Pemilukada*. Moreover, ethics and law provide protection and respect for each party's rights and obligations that follow the democratic agenda. The implementation of the relationship between ethics and law is realized by a code of ethics as a guide to the morality of all interested parties and participating in the *Pemilukada*. Therefore, a code of ethics continuously adapts to existing conditions, considering that law and ethics have a moral responsibility to always maintain public order with fundamental moral values for the whole community. Thus, the COVID-19 health protocol was born as a code of ethics in the *Pemilukada* as implemented during the COVID-19 pandemic. Although it raises enigma regarding its applicability and legal

45 A'An Efendi, Freddy Poernomo, and IG. NG Indra S. Ranuh, *Teori Hukum*, Sinar Grafika, Jakarta, 2017, page 71.

46 Jesse Wall, On Hating and Despising Legal Philosophy, *Journal of Legal Philosophy*, Vol. 46, No. 1, 2021, page 29–50 at 39.

basis; however, from the point of view of legal compliance, the code of ethics requires an adjustment. This is because the code of ethics encourages forming a community paradigm with three principal political life characteristics: compliance, identification, and internalization. If society has these three characteristics, public order and the democratic agenda will run according to legal and political ethical principles. Furthermore, the COVID-19 Health protocol as a code of ethics for the implementation of the *Pemilukada* is a valid and justified matter based on the perspective of the theory of dignified justice. This is based on several reasons. *First*, the idea of establishing a COVID-19 health protocol as a code of ethics is one of the efforts to reform the law. *Second*, the effort to provide the position of the COVID-19 health protocol as a code of ethics is a reflection of 'moral legal practice' how in the perspective of dignified justice. *Third*, the conception of the Covid Health protocol as a code of ethics is the core of the main goal of the general idea from the perspective of Dignified Justice.

BIBLIOGRAPHY

Books:

- A'An Efendi, Freddy Poernomo, and IG. NG Indra S. Ranuh, 2017, *Teori Hukum*, Sinar Grafika, Jakarta;
- A'An Efendi and Dyah Octorina Susanti, 2021, *Ilmu Hukum*, Prenada Media, Jakarta;
- A'An Efendi, Dyah Octorina Susanti, and Rahmadi Indra Tektona, 2019, *Penelitian Hukum Doktrinal*, Laksbang Justitia, Surabaya;
- David Killoren, Emily Crookston, and Jonathan Trerise, eds., 2017, *Ethics in Politics: The Rights and Obligations of Individual Political Agents*, Routledge, New York;
- David Schultz, 2016, *Election Law and Democratic Theory*, Taylor & Francis, Milton Park.
- Muhammad and Teguh Prasetyo, 2018, *Eksistensi DKPP RI Dalam Mengawal Demokrasi Dan Pemilu Bermartabat*, Rajawali Pers, Depok;
- Nicole Scicluna, 2021, *Politics International Law*, Oxford University Press, New York;
- Teguh Prasetyo, 2018, *DKPP RI: Penegak Etik Penyelenggara Pemilu Bermartabat*, Rajawali Pers, Depok;
- Teguh Prasetyo, 2020, *Hukum Dan Teori Hukum Perspektif Teori Keadilan Bermartabat*, Nusa Media, Bandung;
- Teguh Prasetyo, 2017, *Keadilan Bermartabat Perspektif Teori Hukum*, Nusa Media, Bandung;
- Teguh Prasetyo, 2017, *Pembaharuan Hukum: Perspektif Teori Keadilan Bermartabat*, Setara Press, Malang;

Teguh Prasetyo, 2019, *Pemilu Dan Etika Penyelenggaraan Pemilu Bermartabat*, Nusa Media, Bandung;

Tom Tabori, 2020, *A Practical Guide to Election Law*, Law Brief Publishing, Somerset;

Tracey Calvert, 2020, *Regulation, Compliance and Ethics in Law Firms*, Globe Law and Business Limited, London;

Journals:

Ben Palmquist, Equity, Participation, and Power, *Journal of Law, Medicine & Ethics*, Vol. 48, No. 3, January 2020;

César S. Arjona, The Usage of What Country: A Critical Analysis of Legal Ethics in Transnational Legal Practice, *Canadian Journal of Law & Jurisprudence*, Vol. 32, No. 02, August 2019;

Fathul Hamdani and Ana Fauzia, Legal Discourse: The Spirit of Democracy and Human Rights Post Simultaneous Regional Elections 2020 in the Covid-19 Pandemic Era, *Lex Scientia Law Review*, Vol. 5, No. 1, May 2021;

Fradhana Putra Disantara, Perspektif Keadilan Bermartabat Dalam Paradoks Etika Dan Hukum, *Jurnal Litihasi (e-Journal)*, Vol. 22, No. 2, Oktober 2021;

Jerome Hall, Religion, Law and Ethics - A Call For Dialogue, *The Hastings Law Journal*, Vol. 29, No. 1, 1978;

Jesse Wall, On Hating and Despising Legal Philosophy, *Journal of Legal Philosophy*, Vol. 46, No. 1, 2021;

Jörg Philipp Terhechte, Judicial Ethics for a Global Judiciary – How Judicial Networks Create Their Own Codes of Conduct, *German Law Journal*, Vol. 10, No. 4, April 2009;

Kim Lane Scheppele, Law in a Time of Emergency: States of Exception and the Temptations of 9/11, *Journal of Constitutional Law*, Vol. 6, No. 5, May 2004;

L. Skene, The Role of the Church in Developing the Law, *Journal of Medical Ethics*, Vol. 28, No. 4, August 2002;

Lien Pham and Ance Kaleja, Political Participation under Conditions of (Democratic) Duress, *Politics*, Vol. 40, No. 2, May 2020;

Mark Tushnet, Institutions Protecting Democracy: A Preliminary Inquiry, *The Law & Ethics of Human Rights*, Vol. 12, No. 2, November 2018;

Martian Iovan, Analysis of the Connections Between Law and Morals, Between Customs and Contemporaneity, *Journal of Legal Studies*, Vol. 25, No. 39, June 2020.

O. S. Ladeinova, Moral-Philosophical Expertise as a Tool of Evolution of Law (A Case Study of Program-Strategic Documents), *Actual Problems of Russian Law*, Vol. -, No. 7, August 2019;

- Paul Chaney, Human Rights and Social Welfare Pathologies: Civil Society Perspectives on Contemporary Practice across UK Jurisdictions – Critical Analysis of Third Cycle UPR Data. *The International Journal of Human Rights*, July 2020;
- R. D. Lumb, Natural Law and Legal Positivism, *Journal of Legal Education*, Vol. 11, No. 4, 1959;
- Rizaldi Parani, Samuel Aditya, Liza Diniarizky Putri, and Abdul Malik, Compliance to Health Protocols in the Implementation of the 2020 Regional Elections, *Journal of Governance*, Vol. 6, No. 1, June 2021;
- Samuel J. Levine, Law, Ethics, and Religion in the Public Square: Principles of Restraint and Withdrawal, *Marquette Law Review*, Vol. 83, No. 4, 2000;
- Thomas L Shaffer, On Religious Legal Ethics, *Catholic Lawyer*, Vol. 35, No. 4, 1994.
- Toby S. James and Sead Alihodzic, When Is It Democratic to Postpone an Election? Elections During Natural Disasters, COVID-19, and Emergency Situations, *Election Law Journal: Rules, Politics, and Policy*, Vol. 19, No. 3, September 2020;
- William Lucy, Access to Justice and the Rule of Law, *Oxford Journal of Legal Studies*, Vol. 40, No. 2, June 2020;

Internet:

- Boyke Ledy Watra, 2020, 13 Penyelenggara Pemilu Terbukti Langgar Kode Etik, *antaranews.com*, 2020, <https://www.antaranews.com/berita/1834560/13-penyelenggara-pemilu-terbukti-langgar-kode-etik>.
- Fitria Chusna Farisa, 2020, Bawaslu Sebut Pengaturan Protokol Kesehatan Pilkada Mentok Di Undang-Undang, *Kompas.com*, <https://nasional.kompas.com/read/2020/09/25/08091261/bawaslu-sebut-pengaturan-protokol-kesehatan-pilkada-mentok-di-undang-undang?page=all>.
- Fitria Chusna Farisa, 2020, Pilkada 2020, Catatan Soal Pelanggaran Protokol Hingga Kekhawatiran Penuluran Covid-19, *Kompas.com*, 2020. <https://nasional.kompas.com/read/2020/11/24/09353691/pilkada-2020-catatan-soal-pelanggaran-protokol-hingga-kekhawatiran-penuluran?page=all>.
- Humas DKPP-RI, 2020, Alfitra Salamm: Tingkatkan Kedisiplinan Untuk Cegah COVID-19, *dkpp.go.id*, 2020. <https://dkpp.go.id/alfitra-salamm-tingkatkan-kedisiplinan-untuk-cegah-covid-19/>.
- Humas DKPP-RI, 2020, Penyelenggara Harus Jadi Pelopor Kepatuhan Protokol Kesehatan, *dkpp.go.id*, <https://dkpp.go.id/penyelenggara-harus-jadi-pelopor-kepatuhan-protokol-kesehatan/>.

