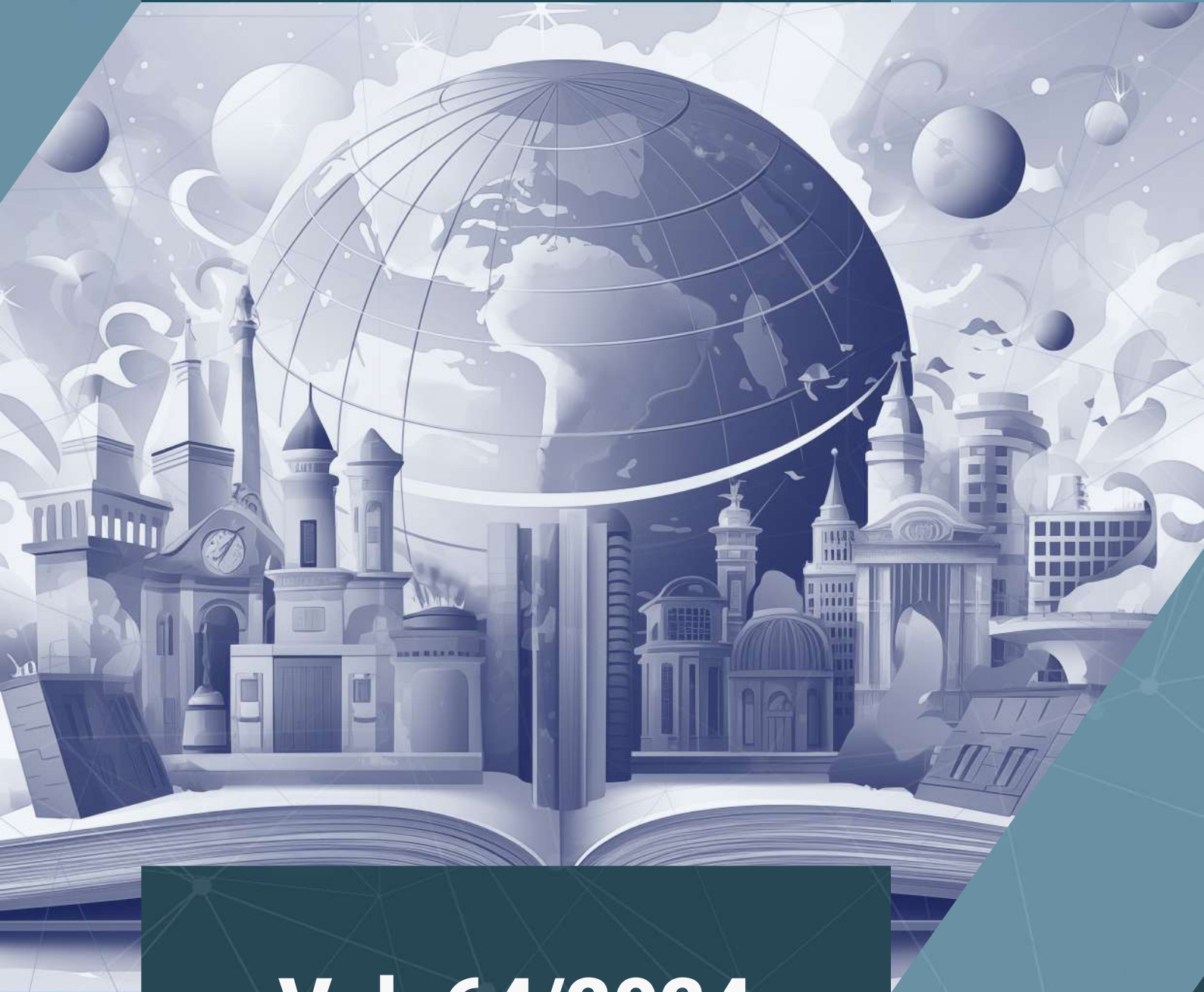




TECHNIUM
SOCIAL SCIENCES JOURNAL



Vol. 64/2024
A New Decade for Social Changes

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COMMUNICATION P



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Communication & PR

Implementation of the Rules of Procedure of the Regional House of Representatives at the Office of the Regional House of Representatives of North Sulawesi Province

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ABSTRACT

The title of this research is "Implementation of DPRD Code of Conduct at the North Sulawesi Provincial DPRD Office". The research aims to find out and describe the process of resolving violations of the code of ethics carried out by the Honorary Board in the implementation of the DPRD Standing Orders at the North Sulawesi Provincial DPRD Office. The research method used was qualitative with data collection techniques through observation, interviews, documentation and secondary data analysis. The results showed that the implementation of the rules related to the process of resolving violations of the code of ethics in the DPRD of North Sulawesi Province had been implemented but not maximized, because: The enforcement of sanctions carried out by the Honorary Board has been implemented in accordance with the procedures and the results of the agreement decided in the plenary session, but the sanctions given do not have a deterrent effect on board members who violate the code of ethics. Sanctions given for violators of DPRD rules of conduct should be more firm and real.

Keywords: *Honorary Board, Rules of Procedure, Code of Ethics, Regional House of Representatives*

1. INTRODUCTION

The Regional People's Representative Council (DPRD) is part of the organizers of local government and acts as a means of democracy in the management of local government [1]. To carry out its functions, duties and authorities, the DPRD has many work units known as "organs". These organs can be permanent or temporary. One of the permanent organs of DPRD is the Honorary Board[2]. The Honorary Board is a permanent member of the DPRD that is formed and determined by DPRD decision. The Honorary Board consists of five people who are elected from and by members of the DPRD based on proposals from each faction and determined in a plenary meeting[3]. DPRD is obliged to develop a code of ethics to maintain the dignity of DPRD members in carrying out their duties and authorities and as one of the permanent DPRD organs, and the Honorary Board is formed to implement and enforce the DPRD code of ethics and is determined by DPRD decision [4]. The Code of Ethics is a norm that

must be obeyed by every member of the DPRD while carrying out their duties, to maintain the dignity, honor, image and credibility of the DPRD in accordance with the provisions of article 1 paragraph 28 of the North Sulawesi Provincial DPRD Regulation No. 1 of 2021 concerning Rules of Procedure[5].

Furthermore, Article 63 states that the Honorary Board has the duty to investigate, verify and clarify complaints from DPRD leaders, DPRD members, and/or the public and then report the decision of the honorary body on the results of the investigation, verification and clarification to the leadership of the Council in accordance with the Law. In addition, the Honorary Board submits to the Leader of the Council in the form of rehabilitation of good name, if there is no violation committed by the Council member against the Code of Conduct [6].

The Honorary Board must carry out their duties in accordance with applicable regulations, and the behavior and actions of each DPRD member must be an

example and role model for the community. Similarly, provincial government officials must set a moral example in accordance with applicable regulations. In line with this, each member is expected to carry out their duties and functions properly, as their performance is always monitored by the public as their representatives.

The presence of the Honorary Board as a supervisory institution for legislative performance has a very important meaning because it is related to the honor of the people's representatives both at the central and regional levels. In this case, the existence of the Honorary Board is in order to enforce the code of ethics of legislative members [7]. The Honorary Board is a new institution in parliament in Indonesia, initially the Honorary Board in the DPRD in the previous period was named "Honorary Council" which was not permanent and was only formed when there was a case and agreed to resolve a case against a DPRD member. This means that prior to the establishment of the Honorary Board, the Honorary Council was only formed if there was a case against a council member. The establishment of the Honorary Council is the effect of the idea of ethical reform, ethical regime and code of ethics and code of conduct that is binding and must be obeyed by every member of DPRD [8].

The establishment of a policy on the order of the DPRD is the basis for action in the implementation of its duties and responsibilities in accordance with applicable regulations. According to Thomas Dye "policy is any government choice to do something or not do something". That means if the government chooses to do something, it means that the government has certain goals that require action (implementation). This means that public policy is government action based on existing choices. Likewise, if the government has certain reasons and even then it is a public interest [9]. A policy that is determined must be implemented in accordance with the goals and objectives. Because according to Langkai that "Implementation of public policy is the implementation of policies decided through the formulation of public policy by the government which is authorized to formulate public policy. Implementation of public policy is important because public policies that have been formulated will appear meaningful when implemented as the desired goals and objectives in policy formulation [10].

The existence of provisions on the code of ethics is intended so that council members in carrying out their duties can maintain their dignity by upholding the code of ethics in accordance with these provisions. But in reality, violations of the code of ethics by DPRD members still occur and color this institution, ranging from corruption, extortion, brokering, abuse of authority, to infidelity [11].

Based on the data and research findings, such cases also occur in the North Sulawesi Provincial Parliament. Violations of the code of ethics still occur, although there is an Honorary Board in charge of supervising Council members. Violations of the code of ethics are related to infidelity and persecution (Liputan6.com website quoted on April 10, 2023, at 12:14 WIB). This is certainly a violation of the moral code of ethics so that it does not describe as a role model for the community [12]. From these ethical violations, it greatly affects the name and image of the institution in the eyes of the community [13]. In addition, the application of sanctions that are less assertive has an impact on the effectiveness of sanctions imposed by the Honorary Board, which is considered unable to provide a deterrent effect on violators. On the other hand, the performance of the Council's Honorary Board has not been optimal, adding to the burden on the image of the Council. In fact, the Honorary Board should act as an internal watchdog to enforce the code of ethics to make the DPRD the guardian of the morals and integrity of DPRD members.

Based on these problems, this research seeks to examine the process of resolving violations of the rules of procedure of members of the North Sulawesi Provincial DPRD; find out the obstacles, and evaluate the efforts made by the Honorary Board as a means for DPRD to uphold its integrity and honor, in line with the DPRD code of ethics. In addition, it is necessary to think of an easy way to resolve violations of the code of ethics in the DPRD of North Sulawesi Province.

2. RESEARCH METHOD

The research method used is a qualitative approach. Qualitative research methods are research aimed at exploring what happens to research subjects such as perceptions, behavior, motivation, actions and so on holistically. As well as with a special natural context and utilizing various natural methods [14]. Qualitative research involves the important role of the researcher as the main instrument in data collection and interpretation.

Research data sources include primary and secondary data sources. Primary data sources are data obtained by researchers from the results of fieldwork and observations as well as interviews of several respondents and informants related to the problem under study, while secondary data sources are data obtained in the form of documents, journals, books, websites and related regulations. Data collection techniques include direct observation, interviews, and document studies. To ensure data validity and reliability, triangulation techniques with an inductive approach were used [15].

The data analysis technique used in this study is to use the following figures: Data Reduction, Reducing

data means summarizing and selecting key or important things in order to provide a clear picture and facilitate research. Data reduction is a sensitive thinking process that requires intelligence, breadth and depth of interviews and discussions with other researchers to develop significant insights and theories. Data presentation, Presentation of data or data display is intended to make it easier for researchers to see the overall picture or certain parts of the research. Conclusion drawing, is still temporary and will change if no strong evidence is found that supports the next data collection stage. But if the conclusions put forward at an early stage are supported by valid and consistent evidence when researchers return to the field to collect data, then the conclusions put forward are credible conclusions. Data validity is a standard of validity of the data obtained. To determine the validity of data, inspection techniques are needed. [16].

3. RESULTS AND DISCUSSION

According to Edward III in Lumingkewas, implementation is needed because there are policy problems that need to be overcome and solved. Policy implementation failure can be traced from various points of view, including cause and effect. In this perspective, implementation failure is an effect (result), so the analysis must examine the causal factors, if the failure is human as the implementer itself and so on " and there are several aspects that are thought to play an important role in policy implementation, such as communication, resources, attitudes or dispositions of implementers, and bureaucratic structure. These four aspects affect policy implementation directly or indirectly, and interact with each other [17].

Lester and Stewart suggest that public policy implementation is a stage carried out after the rule of law is determined through the political process [18].

Standing orders are important to implement because: First, they provide a clear framework for how the legislative and administrative processes of the DPRD should be conducted. Secondly, it helps to maintain discipline and order within the organization by establishing rules that must be followed by all members of the DPRD. Third, it can help facilitate communication and cooperation between members of the DPRD, so that the decision-making process can run smoothly. And finally, it helps to ensure accountability and transparency in the actions taken by DPRD members.

The purpose of the establishment of DPRD regulation No. 1 of 2021 concerning rules of order is to provide clear guidelines and rules in carrying out the duties and functions of the DPRD, ensuring order, transparency, accountability, and maintaining discipline

and ethics of DPRD members. However, in reality, researchers still find violations of the rules of order in this case there are still many ethical violations such as council members not attending sessions, infidelity, conducting recesses not in accordance with procedures, extortion and persecution. For this reason, the policy of the DPRD rules of order has not been implemented as expected because the application of sanctions provided by the Honorary Board is considered less assertive.

The following is the mechanism for resolving violations of the code of ethics based on the procedures of the honorary body of the North Sulawesi Provincial DPRD, including:

- a. Complaint
- b. Preliminary Examination
- c. Investigation
- d. Hearing or Meeting
- e. Decision
- f. Implementation of Sanctions
- g. Transparency and Publication

3.1. Complaint Mechanism

The grievance mechanism is a formal process designed to address alleged ethical violations committed by councillors in the course of their duties and responsibilities. It is an integral part of the internal oversight system intended to ensure that the people's representatives adhere to high moral and ethical standards and maintain public confidence in the legislative body at the North Sulawesi Provincial DPRD.

The mechanism begins with a complaint filed by an aggrieved party or a third party who knows or suspects a violation of the code of ethics by a member. Complaints are filed in accordance with the procedures set out in the North Sulawesi Provincial DPRD regulation related to the Procedure of the Honorary Board No. 2 of 2023 in article 6, namely by completing the identity of the complainant, the identity of the reported party and evidence of the alleged violation.

This mechanism is designed to ensure that DPRD members are held accountable for their actions and to stay within the established ethical corridors, as well as maintaining the principles of fairness, transparency and professionalism in handling cases of code of conduct violations.

Based on the principle of law, where the Honorary Board has ensured that the process of enforcing rules and procedures as well as official steps in accordance with applicable legal provisions in handling cases of violations of the code of ethics committed by members of the Council, both positive law and internal

regulations of the North Sulawesi Provincial DPRD. And based on the principle of justice, the honorary body has also been responsible for ensuring that the process of handling cases of violations is carried out fairly for all parties involved, both members who violate the code of ethics and the reporting party. Therefore, the Honorary Board first provides equal opportunities for all parties to submit evidence and arguments in order to ensure that decisions taken by the honorary body are based on existing facts and evidence, and principles and legal systems that apply to maintain order and justice in society. Justice focuses more on the results or consequences of the application of the law, namely whether the decision or action taken is fair to all parties involved.

Based on the findings and results of the study, it can be concluded that: out of 45 members, there was one member who violated the code of ethics; every case of violation of the code of ethics is handled transparently, fairly and professionally based on the principles of law and justice, meaning that the honorary body is responsible for ensuring that the process of handling cases handled by the Honorary Body is transparent and accountable to the public, and every member who violates is treated based on the principle of impartial justice, and the process is carried out according to standards.

The same thing happened at the North Sulawesi Provincial DPRD office, previously the Honorary Board had given sanctions for violations committed by members of the Council, but in fact the sanctions given did not have a deterrent effect on violators.

Basically, the stages of complaints to the honorary body in connection with violations of the code of ethics of members are carried out in accordance with the requirements for complaints and mechanisms and procedures at the Honorary Board of the North Sulawesi Provincial DPRD. Requirements and mechanisms/procedures must be met. If it does not meet the provisions and requirements as it should, the violation complaint can be canceled as an effort to enforce the rules and procedures that have been regulated in the code of ethics or regulation of the North Sulawesi Provincial DPRD No. 2 of 2023 concerning Procedures for the Honorary Board of the North Sulawesi Provincial DPRD [19]. The code of ethics in this case becomes a reference, guideline and standard in acting for each member of the DPRD, but also as a means of control for the community against the institution.

Ethics is an important part of life and cannot be ignored in human life as a moral foundation for individual and community behavior in relationships with others. And the code of ethics as an ethical guideline in guiding a person or institution in acting and

behaving. According to Dr. James J. Spillane SJ, "Ethics is concerned with human behavior in making decisions related to morals. Ethics leads more to the use of reason with objectivity to determine the right or wrong and behavior of a person" [20]. Therefore, a board member must have ethics because it helps them in performing their duties with integrity, prioritizing public interest over personal interest, building public trust, preventing conflicts of interest and creating a professional work culture. Strong ethics form the moral basis for board members' behavior and ensure that decisions are made in accordance with right and just principles.

3.2. Implementation Of Investigations Into Violations Of The Code Of Ethics

The implementation of research or investigation of violations of the code of ethics refers to a process that aims to examine alleged violations of the code of ethics committed by members of the DPRD. This process is undertaken to maintain the integrity and credibility of the legislature and to ensure that councillors act in accordance with the ethical standards expected by society.

Based on the data and research results, the implementation of investigations into violations of the code of ethics is carried out in accordance with applicable regulations. The steps taken in conducting research or investigation include: 1) Information gathering. Information gathering is carried out by board members. Information can be from the public, documentary evidence, or direct observation of the behavior of board members; 2) Examination of Evidence. Once the information is collected, the Honor Council examines the Evidence to determine the accuracy and validity of the information. This stage may involve interviews with witnesses, examination of documents, or examination of other evidence; 3) Analysis. From the evidence that has been collected, it is analyzed to assess whether there has been a violation of the code of ethics by the council member. This stage involves evaluating the conformity of the behavior with the established ethical standards; 4) Further Action. After analysis and if sufficient evidence is found to support the alleged violation of the code of ethics, the Honorary Board can take action according to established procedures. The actions taken are in the form of warnings, disciplinary sanctions, or recommendations for further action to the authorized institution or authority.

Investigating or researching violations of the code of ethics aims to maintain the integrity and credibility of the legislature and ensure that council members act with integrity based on the rules of the DPRD that have been established. Investigations are conducted by the Honorary Council when there are public complaints.

During the investigation, they must provide clarification and verification.

To handle complaints of violations of the rules and code of ethics, the complainant is summoned to a hearing of the Honorary Council. This process has a time limit of 30 days from the time the summons is sent to the complained board member. During the verification process, the complainant is summoned to provide testimony in a special session of the Council's Honorary Board to prove that the report on the violation of the rules of procedure and code of ethics is not true.

This verification process involves an objective and transparent examination, which can be done through interviews, direct questioning, or written questions. Part of this examination involves summoning the complainant, complainant, and witnesses through a letter signed by the Chairman of the Board with a copy to the Honorary Board. If the complainant fails to appear after being officially summoned three times in a row with valid reasons, the complaint may be deemed untrue or void.

If the Honor Council's investigation finds preliminary evidence of violations, then the Honor Council hearing will decide whether there is a violation of the rules or code of ethics. If any member of the honor body is suspected of violating, they will not be involved in the hearing. Hearings are only conducted with the presence of the head of the Honor Council and at least three other members. The Honorary Board hearing is presided over by the Chairperson or his/her deputy if the Chairperson is absent, or by a member chosen by consensus if they themselves are the complainant.

During the trial, the minutes of the examination are kept by the Honorary Board with the assistance of the Secretariat. The trial is conducted in private, and the examination of complainants, witnesses, and complainants is conducted separately, alternately, and at different times.

The procedure starts with an alleged violation of regulations or code of ethics. For further information and confirmation, the trial then hears testimony from the defendants, witnesses, and the reporter. The complainant may be accompanied by legal counsel and may present witnesses and supporting documents to strengthen their case. The defendant has the right to represent himself or herself or to be accompanied by a legal counsel who is familiar with the DPRD regulations and code of ethics if the hearing is postponed for ninety days. The defendant must provide a special written power of attorney to the legal counsel, which must be submitted to the Honorary Board. With justifiable reasons, the Honorary Council may accept or reject the defense of the defendant or his/her legal counsel during the trial.

Based on a minimum of two credible pieces of evidence collected during the hearing, the Honor Council must decide whether or not there has been a violation of the rules or code of ethics. The Honor Council then determines whether the evidence is valid or not. The Honor Council must make a decision after conducting the hearing. It shall decide whether it has occurred or, if it finds evidence of a violation of the rules or code of ethics by the perpetrator, it shall declare that an appropriate penalty has been applied through the procedures of the Honor Council hearing. Conversely, the Honorary Board may choose to grant rehabilitation to the accused through an Honorary Board hearing if it is decided that the accused has not violated the rules or code of ethics. The results of the discussion at the plenary session of the Honor Council become the basis for decision-making. If the discussion does not result in consensus, voting is used to make a decision.

3.3. Enforcement Of Sanctions Against Violations Of The Code Of Ethics.

Law enforcement is carried out through various channels with various sanctions, such as administrative sanctions, civil sanctions and criminal sanctions [21]. As intended, the enforcement or application of sanctions against violations of the code of ethics refers to the process by which ethical rules or norms that have been established in an organization or institution are enforced or applied to individuals or board members who violate the code of ethics in the North Sulawesi Provincial DPRD.

In accordance with the provisions, the determination of sanctions includes the following steps: 1) Sanctions will be implemented in accordance with the procedures set out in DPRD regulations. 2) These may include reprimands, warnings, fines, temporary suspension from office, or recommendations for dismissal from office.

After the investigation and ethics court process is complete, the Honorary Board will determine whether the DPRD member is guilty or not. If guilty, the Honorary Board will determine sanctions that are in accordance with the level of violation committed, and the sanctions given may vary depending on the level of violation and the policy of the Honorary Board. The existence of sanctions is to ensure that the objectives of legal rules and norms are achieved or not, therefore the provision of sanctions is expected to have a deterrent effect on violations of the law. According to the Big Indonesian Dictionary, sanctions are punitive measures to force someone to obey the rules or obey the law. Sanctions (Punishment) is the provision of unwanted (painful) results to minimize unwanted behavior. The purpose of enforcing sanctions is to encourage compliance with established rules, laws, or norms. Sanctions can be used to punish violations, recover

losses, or create a deterrent effect so that others do not violate [22].

The sanctions given can include verbal reprimands, written reprimands or dismissal from office or from membership in accordance with applicable procedures. However, based on the results of the research, after the Honorary Board gave sanctions in the form of verbal and written reprimands, the person concerned did not show any deterrent effect, so at the proposal of the Golkar Party faction, a plenary session was held and the results of the session decided to replace the DPRD member who violated ethics by removing him from his position as vice chairman of the North Sulawesi Provincial DPRD. The proposed results of the hearing were sent to KEMENDAGRI through the Governor to obtain a decision letter.

With the issuance of the decision letter from KEMENDAGRI, the decision was immediately applied by revoking the position of vice chairman of the DPRD member who violated the code of ethics and was legalized in the plenary session of the North Sulawesi Provincial DPRD. However, the results of the decision given by the Honorary Board do not determine that the DPRD member will not repeat the same violation or other violations of the code of ethics.

4. CONCLUSION

Based on the results and discussion of the research, it can be concluded that the implementation of rules related to the process of resolving violations of the code of ethics in the DPRD of North Sulawesi Province has been implemented but not maximized, because: The enforcement of sanctions carried out by the Honorary Board has been implemented in accordance with the procedures and results of the agreement decided in the plenary session, but the sanctions given do not have a deterrent effect on council members who violate the code of ethics. Sanctions given for violators of DPRD rules of conduct should be more firm and real.

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