

Ethical violation by the Chairman of the Constitutional Court against Indonesian law and democracy

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Abstract

Purpose: This study analyzes the decision of the Honorary Council of the Constitutional Court Number 02/MKMK/L/11/2023 regarding ethical violations by the Chairman of the Constitutional Court. The Constitutional Court's ruling on the age limit for presidential and vice-presidential candidates sparked public debate and raised concerns about democratic principles in Indonesia.

Method: This research uses normative legal methods focusing on coherence among legal principles, concepts, and applicable rules.

Results: The findings show that Anwar Usman was proven to have seriously violated the code of ethics and behavior of constitutional judges. In a state governed by law, rulers and citizens are equal before the law. Judges must not abuse their authority for personal or group interests. The MKMK decision seeks to uphold judicial ethics and restore public trust in the Constitutional Court.

Conclusion: The findings confirm that violations of judicial ethics at the highest level of the Constitutional Court undermine the principles of impartiality and democracy. The MKMK's decision provides a legal and moral corrective that reaffirms the importance of integrity and judicial independence, with the aim of restoring institutional legitimacy ahead of the 2024 general elections.

Limitations: This research is limited to analyzing MKMK Decision Number 02/MKMK/L/11/2023 and the applicable judicial code of ethics.

Contributions: The study contributes to strengthening judicial accountability, offers insights for legal scholars, and supports public confidence in constitutional justice.

Keywords: *Code of Ethics, Democracy, MKMK Decision*

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1. Introduction

Decision Number 90/PUU-XXI/2023 ("Decision 90") is one of the toughest tests faced by the court. That is, when the contestation of the 2024 Presidential Election made the Constitutional Court courtroom a battleground, it was not always sincere in the interests of the nation and state. Thus, what emerges is political interest in victory without paying attention to Indonesian politics. Supposedly, as the *guardian of the constitution* and democracy, especially those filled with constitutional judges who are qualified statesmen, the Court should be resistant to the temptation of intervention in the form of power and wealth. However, in the view of the Complainant, Decision 90 shows how the Court has been subjugated by the interest to win power by changing the rules of law, which should not be wise and should not be done. Moreover, the change in the regulation on the age requirement of the presidential and vice presidential candidates used the hand of the Reporting Judge Wijaya, Subawa, Palguna, Astariyani, and Sumadi (2024), who should have resigned because the case had a direct interest with his family, namely President Joko Widodo and his son Gibran Rakabuming Raka. This interest is

indisputable because it has become a legal fact, with the registration of Gibran Rakabuming Raka as a vice-presidential candidate pair to the General Election Commission by one of them, utilizing the new provisions related to age requirements in Decision 90, which was made by the court. Not only is the decision contrary to the principle of impartiality, but the Reporting Judge should have resigned in accordance with the concept of *judicial disqualification*. Based on Article 24 C paragraph (5) of the 1945 Constitution of the Republic of Indonesia, constitutional judges must have integrity and impeccable personality, fairness, and be statesmen who master the constitution and state administration and do not concurrently serve as state officials. The affirmation of the requirements for constitutional judges is so strict and severe in the Constitution because constitutional judges carry a very noble mandate, namely, upholding the nation's life by safeguarding the constitution in accordance with the principles of the rule of law (Ngaliman, Catrayasa, & Khairil, 2025; Okta & Nursanita, 2025).

Integrity as a prerequisite for Constitutional Court judges is, in fact, the realm of strengthening ethical aspects. Ethics is an instrument with ethical and internal dimensions that prevents judges of the Constitutional Court from engaging in reprehensible actions. Ethics in the context of Constitutional Court judges are commonly referred to as the code of ethics for Constitutional Court judges, which is one of the main prerequisites for demonstrating the integrity and independence of the court. The Constitutional Court's effort to uphold the code of ethics of the Constitutional Court Judges is the establishment of the Constitutional Court of Honor (MKMK). Article 1 point 4 of Law Number 8 of 2011, Concerning the Amendment to Law Number 24 of 2003, Concerning the Constitutional Court, in conjunction with Article 27, paragraph (4) of Law Number 4 of 2014, Concerning the Second Amendment to the Constitutional Court Law, confirms that one of the efforts of the Constitutional Court in upholding the code of ethics of Constitutional Judges is the establishment of the MKMK as the guardian of ethics for Constitutional Court judges. The urgency of the MKMK's presence, apart from being an effort to guarantee a code of ethics for Constitutional Court judges, also aims to maintain public trust in the existence of the Constitutional Court as the final interpreter of the constitution and guardian of the people's constitutional rights (Disantara, Putri, Mufarrochah, & Assari, 2023).

The duties and authority of judges must be actualized proportionally within the framework of upholding law, truth, and justice in accordance with laws, regulations, and codes of ethics, as well as considering the law and sense of justice that live in society. The enormous authority of judges demands high responsibility, so that court decisions with the *irah-irah* "For the Sake of Justice Based on God Almighty" mean that the obligation to uphold truth and justice must be horizontally accountable to all humans and vertically accountable to God. The Constitutional Court Honour Council (MKMK) must follow up on ethical violations, procedural violations, and/or potential criminal offences expressed in the dissenting opinion of Constitutional Judge Arif Hidayat in Constitutional Court Decision Number 90/PUU-XXI/2023. Therefore, MKMK plays an important role in proving and stating the actual facts to the public regarding how Constitutional Court Decision Number 90/PUU-XXI/2023 was prepared and whether any acts of violation were committed. At this time, authority and public trust in constitutional judges are declining, even though constitutional judges carry a very important mandate to maintain the establishment of democracy and the rule of law. Therefore, efforts must be made to save constitutional judges quickly. Therefore, let the Honorary Council of the Constitutional Court put forward the principle of maintaining the dignity and behavior of constitutional judges by imposing sanctions on constitutional judges who have been proven to have violated the code of ethics in the form of sanctions for violations of the code of ethics and behavior of constitutional judges allegedly committed by the chief judge of the Constitutional Court Anwar Usman.

Integrity and the strengthening of ethics are not merely normative ideals but a fundamental necessity for the legitimacy of the Constitutional Court. Several academic studies emphasize that the strict and consistent application of a code of ethics is the main instrument for maintaining the neutrality and objectivity of constitutional judges. According to Tambunan, Sembiring, Gozali, and Sianturi (2024), "a strict code of ethics adhered to by Constitutional Court judges is essential to ensure integrity, objectivity, and neutrality in carrying out their duties as a pillar of justice." Weak implementation of ethics opens opportunities for conflicts of interest and external interference that can damage the objectivity of judicial decisions. In the case of Decision 90/PUU-XXI/2023, several judges were

reported to the Constitutional Court Honor Council (MKMK). According to Tambunan et al. (2024), in MKMK Decision Number 02/MKMK/L/11/2023, Chief Justice Anwar Usman was found guilty of serious ethical violations and was proven to deviate from the principles of impartiality, integrity, competence, equality, independence, propriety, and decency. This decision is significant because it is expected to restore public trust in the Constitutional Court.

Furthermore, Aurelya Putri and Kayus Kayowuan (2025) elaborate that these ethical violations directly impact the implementation of Decision 90. They argue that these violations brought legal consequences and undermined the legitimacy of Indonesia's constitutional law. Alarming, this case demonstrates the weakness of the Constitutional Court's internal oversight system in detecting and addressing potential conflicts of interest before they erode credibility. Tuanaya and Yanto (2024) reinforce the fact that since Decision 90 was announced, an "ethics turmoil" has occurred, indicating the lack of effective ethical oversight mechanisms. According to him, the MKMK, as an internal body, is highly vulnerable to negligence, which reduces the Court's authority as the guardian of the Constitution. In normative judicial review, Pujanegara, Sadino, and Lutfi (2024) state that "formal defects and ethical violations by judges" in Decision 90 and MKMK Decision 02 have serious implications for constitutional compliance, the finality of verdicts, and the reputation and authority of the Constitutional Court as the highest constitutional legal institution. They suggest a review mechanism in exceptional cases to maintain legitimacy (Endriyon, Gunarto, & Murwiati, 2025; Zumaroh & Kusumawati, 2024).

Likewise, Faturahman (2025) recommends strengthening MKMK's authority, creating a more specific code of ethics, and implementing a stricter and more transparent oversight mechanism to improve accountability and preserve the integrity of the Constitutional Court. Conceptually, the principle of statesmanship is also seen as essential for selecting MKMK members. According to Yudanto, Firdaus, and Isharyanto (2024), current regulations do not require statesmanship as a criterion for MKMK membership, even though statesmen bring long-term vision, sincerity, and wisdom in upholding ethics without being influenced by political or group interests. By adding professional criteria, MKMK is expected to produce objective and credible decision-making. These studies collectively confirm that, without a strong ethical oversight system, the Constitutional Court is vulnerable to nepotism, political interference, and legal manipulation. Violations like those seen in Decision 90 not only tarnish individual judges' integrity but also undermine the Court's institutional role as a symbol of legal supremacy and democracy. MKMK holds the key to restoring public trust by enforcing ethical standards transparently and impartially. Therefore, the MKMK must take a proactive—not merely reactive—role in investigating and sanctioning ethical violations. Internal regulatory reforms, such as adding statesmanship as a requirement and updating the ethical code to reflect deeper and more contextual applications, must be prioritized. Only then will the application of ethics move beyond formal discourse and become a real practice safeguarding the independence, legitimacy, and dignity of the Constitutional Court as a pillar of democracy and the rule of law in Indonesia.

2. Literature review

2.1 Democracy

Theoretically, democracy is a government of, by, and for the people. When it comes to constitutional practice, although a country claims to be a democracy, it ignores many principles of democracy in many ways. The term democracy comes from the Latin "*demos*" which means people, the people "*cratein*", which means government. Thus, democracy is the government of the people. However, in the modern world, the notion of democracy emphasizes that the power of political affairs is in the hands of the populace.

Democracy is an idea that presupposes that power is of, by, and for the people. In a participatory sense, democracy is a concept of power that is essentially recognized as coming from the people; therefore, it is the people who determine, give direction to, and organize state life. This notion is encompassed in the notion of the sovereignty of the people, which is the supreme power in the hands of the people, organized by and for the people themselves, and continuously opens itself to the widest possible participation of the people in the administration of the state. A state that can accomplish

this idea of democracy is good and ideal. The characteristics of democratic governments are as follows:

- a) The involvement of citizens (people) in political decision-making, either directly or indirectly (representation).
- b) The existence of equal rights for all citizens in all fields
- c) The existence of freedom and independence for all citizens
- d) There is a general election to elect representatives of people who sit in the people's representative institutions.

Thus, democracy as the basis of social and state life implies that the people provide provisions in matters concerning their lives, including assessing state policies, because these policies determine the lives of the people. Thus, a country that adheres to a democratic system is organized based on the will of its people. In its idealized theory, democracy places the people at the center of power, but its practical implementation often enters a zone of imbalance. To realize genuine democracy, the active involvement of citizens at all levels and the enforcement of fundamental democratic principles are essential. Citizen participation is not limited to merely casting votes during elections; it also includes active engagement in various stages of the political process, including policymaking, election monitoring, and social control. Özden (2023) states that “the essence of participation is the belief that elections are not the only opportunity for citizens to influence decisions” and outlines five criteria of an ideal democracy, including effective participation and voting equality, where all members of society must have equal opportunities to express their views and vote effectively.

In addition, the organization of free and fair elections is crucial. Ferrer, Hernández, Prada, and Tomic (2025) found that among all democratic principles, free elections are the most highly valued by individuals because they ensure political legitimacy and empower citizens to make real choices. Democracy also requires political equality— equal rights and access to political processes for all citizens—which underpins the legitimacy of modern pluralistic democracy. Equal rights and civil liberties are other cornerstones. According to Caya and Hakim (2024), in a democratic state, every citizen must enjoy basic rights such as freedom of expression, assembly, association, and a free press. This aligns with the components that you listed. These freedoms allow citizens to evaluate state policies, express their aspirations, and effectively engage in political life. The representative mechanism determined through general elections strengthens the concept of a representative democracy. Studies on the role of political parties in Indonesia’s electoral democracy show that political parties play a vital role in realizing popular representation in legislative bodies (Akili & Achmad, 2023; Arifin, Virgayani, Asriyani, Muja'hidah, & Jubair, 2025). Active political parties act as mediators between the people and the government, providing a channel for political participation in a constitutional democratic system.

In the context of Indonesian democracy, Kristiyanto, Arinanto, and Ghafur (2023) highlights that institutionalization and the resilience of political parties against political dynamics are crucial in maintaining the sustainability of electoral democracy. This directly relates to point (a) regarding citizen involvement in political decision-making, both directly and through representatives. Democratic values are universal. Democracy is a system in which citizens collectively decide who governs and how, and a regime is only democratic if people are free to choose and change their government. This perfectly embodies the fundamental notion of “of, by, and for the people.” Modern observations show that when a state claims to be democratic but fails to implement democratic principles, the credibility of democracy erodes. Russo, Avelino, and Guarnieri (2022) emphasized that strong democratic institutions depend on political rights, free and fair elections, separation of powers, and limitations on government authority. In conclusion, the

democratic theory you explained—placing people as the source, executor, and beneficiary of power—must be supported by actual practices such as active political participation, protection of civil rights, public freedom, and transparent, free, and fair elections. Weakness in even one of these aspects can undermine the legitimacy of democracy. The implementation of these principles reflects the core characteristics of democracy you listed: participation, equal rights, freedom, and elections. Therefore, although democracy has a strong theoretical foundation, its realization depends heavily on the quality of citizen participation, civil liberties, equality of political access, and institutional legitimacy through free and fair elections. A country can only be called democratic if its people are genuinely active subjects in shaping its political life (Tame, Marlissa, & Ngutra, 2025).

2.2 The Theory of the Rule of Law

According to Soepomo, the concept of the rule of law emerged to oppose the concept of absolutism, which gave birth to the state of power. In essence, the power of the ruler (king) must be limited so that people are not treated arbitrarily. This restriction is carried out by means of the supremacy of law, namely that all actions of the ruler must not be at will or arbitrary but must be based and rooted in applicable laws and statutes. Therefore, there must also be a division of state power, especially judicial power (judiciary), which must be separated from the power of the ruler (Fadjar, 2016).

According to Jimly Ashidique, the conception of democracy contains the principles of popular sovereignty (*democratie*), whereas the concept of the rule of law contains the principles of the rule of law (*nomocratie*), in which each principle is implemented in tandem as two sides of one coin. Such an understanding of the rule of law is known as a "democratic state of law" (*demokratische rechtsstaat*), or in *constitutional* form, it is called *constitutional democracy*. It is called a "democratic state of law" because it accommodates the principles of the rule of law and democracy:

1. *Supremacy of Law*. There is normative and empirical recognition of the principle of the rule of law; that is, all issues are resolved with the law as the highest guideline.
2. *Equality before the Law* Every person is equal *before* the law and government. All discriminatory attitudes and actions were prohibited, except for special and temporary measures to encourage the accelerated development of certain groups (*i.e.*, *affirmative action*).
3. Principle of Legality (*Due Process of Law*): All government actions must be based on written laws and regulations. These laws and regulations must exist and apply or precede the actions taken.
4. The limitation of state power and state organs is achieved by applying the principle of the vertical division of power or horizontal separation of powers to avoid abuse of power and develop a mechanism of *checks and balances* between the branches of power.
5. To limit power, independent government institutions have been developed, such as the central bank, the organization of the army, the police, and the prosecutor's office. In addition, there are new institutions such as the National Human Rights Commission, Election Commission, Ombudsman, and Indonesian Broadcasting Commission.
6. *An independent and impartial judiciary* is essential for the rule of law. Judges must not take sides except in favor of truth and justice and must not be influenced by anyone, be it political or financial.
7. The State Administrative Court is part of a broader judiciary that must be free and impartial; however, its existence must be specifically mentioned. In every state of law, there must be an opportunity for citizens to challenge the decisions of administrative officials, which is the competence of the State Administrative Court.
8. In addition to the State Administrative Court, Modern rule-of-law countries also commonly adopt the idea of establishing a constitutional court to strengthen the system of *checks and balances* between the branches of power to ensure democracy. For example, this court is given the function of testing the constitutionality of laws and deciding disputes over authority between state institutions that reflect the separate branches of state power.
9. Constitutional protection of human rights with legal guarantees for enforcement through a fair process.
10. Democratic (*Demokratische Rechtsstaat*). The principle of democracy or popular sovereignty is adopted and practiced, which guarantees the participation of the community in the state decision-

making process so that any laws and regulations that are applied and enforced reflect the people's sense of justice.

11. It functions as a means of realizing the state's goals (*Welfare Echtsstaat*). In the Indonesian context, the idea of democratic rule of law is to achieve national goals, as set out in the preamble of the 1945 Constitution.
12. Transparency and social control of law-making and law enforcement processes can help correct weaknesses in institutional mechanisms to ensure truth and justice. Direct participation is needed because the mechanism of representation in parliament cannot always be relied upon as the only channel for people's aspirations. This is a form of representation of ideas that is not always inherent in the representation of presence.

Therefore, the rule of law must be supported by a democratic system because there is a clear correlation between the rule of law, which rests on the Constitution, and the sovereignty of the people exercised through a democratic system. Popular participation is the essence of democratic systems. However, democracy without legal arrangements will lose its shape and direction, whereas the law without democracy will lose its meaning (Muhlashin, 2021).

2.3 Code of Ethics Theory

According to Shidarta, a code of ethics is a systematically organized moral principle inherent in a profession. This means that, without a deliberately arranged and systematic code of ethics, a profession can still run because these moral principles are inherent in the profession. Nevertheless, a code of ethics is necessary because the number of people in the profession is already very large, and the demands of society are increasingly complex. At this point, professional organizations are urged to form (Sinaga, 2020).

A professional code of ethics is a norm established and accepted by a professional group that directs or instructs its members on how to act and simultaneously ensures the moral quality of the profession in the eyes of society. A professional code of ethics is the norm applied and accepted by a professional group that directs or instructs its members on how to act. Generally, it provides instructions to members to practice in the profession. However, it can be stated that the general principles formulated in a profession will vary from one another. Professional codes of ethics are the product of applied ethics, subject to change and amendment, the result of self-regulation of the profession concerned, effective if imbued, the formulation of human moral norms, a benchmark for the actions of group members, and an effort to prevent unethical behavior among its members.

A professional code of ethics is needed as a means of social control, a deterrent to interference from other parties, and a deterrent to misunderstandings and conflict. Other functions: This is a criterion of professional principles that have been outlined so that the professional obligations of old, new, or prospective members of the professional group can be known with certainty and possible conflicts of interest between fellow members of the professional group or between members of the professional group and the public can be prevented. Members of professional groups or the public, as a control through the formulation of a professional code of ethics, determine whether members of professional groups have fulfilled their professional obligations in accordance with the professional code of ethics.

3. Research methodology

This study uses normative law research with a normative case approach in the form of legal behavior products, such as examining the law. The subject of study is law, which is conceptualized as norms or rules that apply in society and become a reference for everyone's behavior. Thus, normative legal research focuses on the inventory of positive law, legal principles and doctrines, legal discovery in concrete cases, legal systematics, the level of synchronization, comparative law and legal history.

In collecting data, descriptive analytical research was carried out, namely research describing the situation that occurs regarding the problems raised by limiting the framework of study to the analysis of legislation regarding the Constitutional Court Law and the role of the Honorary Council of the Constitutional Court in resolving issues for Constitutional Court Judges who violate the code of ethics. This study uses a statute approach by examining Law Number 8 of 2011 concerning Amendments to Law Number 24 of 2003 concerning the Constitutional Court, Regulation of the Constitutional Court Number 09/PMK/2006 on the Enforcement of the Declaration of the Code of Ethics and Behavior of Constitutional Judges, and MKMK Decision Number 02/MKMK/L/11/2023.

4. Results and discussions

4.1 MKMK Decision Number 02/MKMK/L/11/2023 Against the Chief Justice of the Constitutional Court in the State of Law

Constitutional judges are the main pillars of exercising their constitutional powers and duties in accordance with statutory provisions. Judges exercising their constitutional powers and duties must have integrity, impartiality, and accountability (Wiryanto, 2016). The practice of abuse of authority in the judiciary today has been considered by the entire community and justice seekers, is a very extraordinary abuse of authority in the realm of judicial power, and has even been considered a judicial mafia, causing damage to the legal system and not fulfilling a sense of justice (Wiryanto, 2016).

Law enforcement is inseparable from the participation of law enforcers because they later enforce the rule of law. If law enforcers have a dilapidated mentality, it will create dilapidated law enforcement as well, and vice versa, if law enforcers have a good mentality in carrying out/enforcing the rule of law, it will create good and responsive law enforcement (Maula, 2022).

In MKMK's verdict Number 02/MKMK/L/11/2023, Anwar Usman was proven to have committed serious violations of the code of ethics and behavior of constitutional judges, as stated in Sapta Karsa Hutama, the principles of impartiality, integrity, competence and equality, independence, decency, and modesty. Anwar Usman was also decided not to be entitled to nominate himself or be nominated as a leader of the Constitutional Court until his term as a constitutional judge ends. In addition, he is not allowed to be involved or involve himself in examining and making decisions in cases of disputes over the results of the presidential and vice-presidential elections, the elections of members of the DPR, DPD, and DPRD, and the elections of governors, regents, and mayors that have the potential for conflicts of interest.

In the State of law, the position of the ruler and the people in the eyes of the law are the same (equal); the only difference is the function, namely, the government functions to regulate, and the people are regulated. Both those who regulate and those who are regulated have one guideline: the law. In the absence of legal equality, people in power feel immune to the law. In principle, *equality before the law* means that there is no place for backing the wrong; the law backs the right. Equality before the law is a universal concept that applies globally. Universally, equality before the law has become a principle of law and the state, and requires the existence of applicable laws. Conversely, from the point of view of the field, the law must not allow itself to favor some parties because, if there is an exception, it will damage the concept of law. The principle of *equality before the law* is a fundamental pillar of the rule of law. For MKMK, this principle has been applied to Anwar Usman, and MKMK has been impartial and consistent in deciding cases. The enforcement of this principle is crucial for realizing a democratic state of law.

4.2 Violation of the Code of Ethics of the Chief Justice of the Constitutional Court in a Democratic State

The relationship between ethics and the profession, especially the legal profession, is that professional ethics is an attitude of life, in the form of a willingness to provide professional services in the field of law to the community with full involvement and expertise in order to carry out duties in the form of obligations to the community in need of legal services with careful reflection (Burhanudin, 2018).

Article 1, point 4 of Law Number 8 of 2011 states that The Honorary Council of the Constitutional Court is a device established by the Constitutional Court to monitor, examine, and recommend action against constitutional judges who are suspected of violating the code of ethics and conduct of constitutional court judges. This shows that constitutional judges' behavior must be guided by the code of ethics established by the Constitutional Court.

Code of ethics and conduct for judges. Judges have an ethical system that can create discipline and provide a value system boundary line that can be used as a guide for judges to complete their duties in carrying out their functions and carrying out their profession. The principles of the Code of Ethics and Code of Conduct for judges are implemented in Constitutional Court Regulation Number 09/PMK/2006 on the Enforcement of the Declaration of the Code of Ethics and Conduct of Constitutional Judges (Sapta Karsa Utama): (1) Principles of Independence; (2) Principles of Impartiality; (3) Principles of Integrity; (4) Principles of Decency and Decency; (5) Principles of Equality; (6) Principles of Proficiency and Equality; and (7) Principles of Wisdom and Discretion.

The existence of Anwar Usman who decided case Number 90/PUU-XXI/2023 is full of interests where Gibran Rakabuming Raka is Anwar Usman's nephew for his position in handling the case Anwar Usman has violated the principle of impartiality sapta karsa utama. The rules of the professional code of ethics of a judge play a very important role in maintaining the stability and performance of the judge himself, to control every action by the judge so as not to violate the rules that have been established. If these rules are violated, a judge can be sanctioned for their actions (Mujadi & Astutik, 2023).

Although, in principle, judges are independent or free, their freedom is not absolute because, in carrying out their duties, judges are micro-limited by Pancasila, the basic law, laws and regulations, the will of the parties, and morality. If so, the values contained in Pancasila must be understood as the limits of responsibility of the state. At the macro level, judges' freedom is also limited by the government, politics, and economics. As law enforcement officials, judges are firm, disciplined, devoted to their work, free from the influence of anyone, do not abuse trust, position, and authority for personal or group interests, do not have a soul, do not accentuate their position, maintain the dignity of judges in official relations, and adhere to the code of honor of judges (Sinaga, 2020). Essentially, the code of ethics functions as a means of addressing legal problems that exist in society. Judging from this formulation, the legal profession's code of ethics will make it an honorable profession (*officium nobile*). The code of ethics will also prevent this life from being tainted by harmful actions, such as harming the freedom, degree, and dignity of the concerned professionals.

The importance of efforts to enforce a good code of ethics in the Constitutional Court is oriented so that the Constitutional Court obtains high public trust to uphold the constitution and justice. This is even more associated with the independence of the Constitutional Court in certain cases where its credibility is at stake. An example is the Constitutional Court's decision number 90/PUU-XXI/2023 concerning the age limit for presidential and vice-presidential candidates, which is a violation of the code of ethics by the Constitutional Court Judges. See and consider the values and norms that are still relevant to the case The principle of democracy or popular sovereignty that guarantees the participation of the community in the state decision-making process, so that every law and regulation that is determined and enforced reflects the sense of justice that lives in the midst of society (Purwadi, 2019). Based on the decisions of previous Constitutional Court judges and the issue of violations of the Code of Ethics of the Constitutional Guard Institution, judges are expected to have independence that is not influenced by wealth, politics, or the authorities, so that the Constitutional Court will truly become a judicial institution that has high public trust. A trial is based on the purpose and nature of democracy. Therefore, MKMK Decision Number 02/MKMK/L/1/2023, handed down to the Chief Justice of the Constitutional Court, is expected to restore public confidence in the Constitutional Court, especially before the 2024 elections. This is because the Constitutional Court is authorized to decide on cases if there is a dispute.

5. Conclusion

5.1 Conclusion

MKMK Decision Number 02/MKMK/L/11/2023 stated that Anwar Usman was proven to have committed serious violations of the code of ethics and behavior of constitutional judges. In the State of law, the position of the ruler and the people in the eyes of the law is the same (equal), and no one who has power will feel immune to the law. In carrying out their duties as Constitutional Court Judges, they are obliged to uphold the code of ethics and not abuse trust, position, or authority for personal or group interests. Therefore, MKMK's decision number 02/MKMK/L/1/2023, imposed on the Chief Justice of the Constitutional Court, is expected to restore public trust in the institution of the Constitutional Court.

5.2 Limitation

This research has limitations, such as the limitations of the author's time; therefore, this writing can be developed again by the next writer.

5.3 Suggestion

In making decisions, Constitutional Court judges must pay attention to Sapta Karsa Utama in the form of integrity, independence, alignment with the constitution, professionalism, accountability, honorable behavior, and cooperation. As well as avoiding situations that can lead to conflicts of interest in the decision-making process and Constitutional Court Judges must be open and transparent in the decision-making process, this can be done by providing a clear and logical explanation for the decisions taken.

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