

## Institutional Strengthening for the Enforcement of the Code of Ethics and Conduct for Constitutional Court Judges

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### ARTICLE INFO

*Keywords:* Strengthening, Judicial Ethics and Conduct Enforcement Institution, Constitutional Court

*Received :* 06, November

*Revised :* 20, November

*Accepted:* 21, December

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### ABSTRACT

A decision of the MKMK that is'nt based on the Constitutional Court Regulation makes the dignity of the constitutional court begin to be questioned and doubted by the public. This research analyze and recommend an ideal design for the Constitutional Judges Code of Ethics and Conduct Enforcement Institution as an effort to strengthen the Constitutional Court's position. The research method uses normative juridical. The research approaches used are a statutory approach, a conceptual approach. The results is the future MKMK membership arrangement will not include active Constitutional Court judges. Members of the MKMK will be selected by an ad hoc panel of experts, with the goal of choosing professional MKMK members who will maintain the dignity of Constitutional Court judges.

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## **INTRODUCTION**

The Constitutional Court is a judicial institution that provides a balancing force in affirming or negating policies that do not align with the constitution, as authorized by the 1945 Constitution of the Republic of Indonesia. The position of the Constitutional Court is further strengthened by Law Number 24 of 2003 concerning the Constitutional Court, which implements the principle of checks and balances to ensure each state organ maintains an equal position and creates balance among state power institutions. Law of the Republic of Indonesia Number 24 of 2003 concerning the Constitutional Court, as amended by Law Number 7 of 2020 (the third amendment to Law Number 24 of 2003), has modified certain provisions regarding the appointment and dismissal of Constitutional Court judges of the Republic of Indonesia. This current law regulates the mechanisms for both the appointment and dismissal processes of constitutional judges.

Judicial power is closely linked to the principle of judicial independence in fulfilling judicial responsibilities. Judicial independence is crucial for the effective enforcement of law and the delivery of justice. The Constitutional Court upholds internal oversight through a code of ethics, initially established under PMK No. 07/PMK/2005 on the Declaration of the Code of Ethics and Conduct for Constitutional Judges. This regulation was later updated by PMK No. 09/PMK/2006 concerning the Declaration of the Code of Ethics and Conduct for Constitutional Judges (Sapta Karsa Utama). These seven guiding principles form the basis for moral evaluation and accountability of Constitutional Judges. Alleged breaches of the judicial code of ethics are addressed internally within the Constitutional Court by the Ethics Panel and the Honorary Council, following PMK No. 10/PMK/2006 regarding the Honorary Council of the Constitutional Court.

The Code of Ethics for Constitutional Judges, as outlined in Regulation Number 09/PMK/2006 of the Constitutional Court of the Republic of Indonesia concerning the Enforcement of the Declaration of the Code of Ethics and Conduct for Constitutional Judges, along with Constitutional Court Regulation Number 2 of 2013 regarding the Ethics Council of Constitutional Judges, sets forth seven fundamental principles. These principles are: first, comprising six points of application; second, comprising five points of application; third, comprising four points of application; Appropriateness and Decency, comprising eleven points of application; Equality, comprising five points of application; Proficiency and Equanimity, comprising five points of application; and Wisdom, comprising five points of application.

Ethical violations are categorized into two classifications: serious violations and minor violations. Minor violations are determined based on the Ethics Council's assessment. A serious violation occurs when a minor violation has been committed more than three times. For minor violations, sanctions are administered in the form of verbal warnings. In cases of serious violations, the Ethics Council may propose the formation of the Constitutional Court Honor Council (MKMK) and recommend temporary suspension from judicial duties (Wiryanto, 2016).

Contemporary ethical violations fundamentally contradict Indonesia's legal system. The effective functioning of law as a tool of social engineering requires not only the existence of legal rules and regulations but also guarantees for their proper implementation in legal practice. Law plays a crucial role in maintaining social and political stability while promoting democratic values and justice. As Lawrence M. Friedman argues, an effective legal system must guarantee individual rights, prevent the abuse of power, and facilitate societal change (Friedman, 1975).

Since its establishment in late 2013, the Ethics Council has addressed numerous cases of ethical violations, both minor and serious. A notable recent case involves Anwar Usman, who was removed from his position as Chairman of the Constitutional Court following the issuance of Constitutional Court Decision No. 90/PUU-XXI/2023. Usman was found to have committed serious violations of the Constitutional Judges Code of Ethics and Conduct (Sapta Karsa Utama), specifically violating the principles of impartiality, integrity, competence and equality, independence, and decency and modesty. The decision further stipulates that the reported judge is ineligible to nominate himself or be nominated for Constitutional Court leadership positions until the expiration of his term as a constitutional judge.

Article 47 of Constitutional Court Regulation Number 1 of 2023 concerning the Honorary Council of the Constitutional Court prescribes that when the Honorary Council finds a Reported Judge or Suspected Judge guilty of a serious violation, the Council shall:

- a. Declare that the Reported Judge has committed a serious violation; and
- b. Impose the sanction of dishonorable dismissal.

According to Law No. 7 of 2020 concerning the Third Amendment to Law No. 24 of 2003 concerning the Constitutional Court, constitutional judges shall be dishonorably discharged if they:

- a. are sentenced to imprisonment based on a court decision that has obtained permanent legal force for committing a criminal offense punishable by imprisonment;
- b. commit a disgraceful act;
- c. are absent from trials that are their duty and obligation for 5 (five) consecutive times without valid reason;
- d. violate their oath or promise of office;
- e. deliberately obstruct the Constitutional Court from rendering a decision within the time period referred to in Article 7B paragraph (4) of the 1945 Constitution of the Republic of Indonesia;
- f. violate the prohibition on holding concurrent positions as referred to in Article 17;
- g. no longer meet the qualifications to serve as a constitutional judge; and/or
- h. violate the Code of Ethics and Code of Conduct for Constitutional Judges.

MKMK Decision Number 2/MKMK/L/11/2023 does not explicitly state that Anwar Usman received a sanction of dishonorable dismissal. According to PMK No. 1 of 2023, a judge (in this case, Anwar Usman) found guilty of a serious violation should be dismissed dishonorably as a Constitutional Judge.

However, in MKMK Decision Number 2/MKMK/L/11/2023, the reported judge was only sanctioned with removal from his role as Chief Justice of the Constitutional Court. Therefore, it is essential to strengthen institutional enforcement of the judges' code of ethics and conduct to reinforce the Constitutional Court's role as the guardian of the constitution.

Since a Constitutional Judge holds a position of high statesmanship that requires exemplary ethics and morals, it is essential to strengthen the institutional framework for enforcing the judicial code of ethics and conduct. The presence of the Ethics Council and the designation of Constitutional Judges as statesmen have not been enough to ensure their dignity and integrity. The Ethics Council, as regulated in the PMK, and the Honorary Council have demonstrated ineffective oversight, presumably due to their legal standing. The recurring ethical violations evidence the need for reformulated norms. Therefore, reconceptualizing the institutional design for enforcing the judicial code of ethics and conduct is essential within the legal system framework, encompassing its three elements: structure, substance, and legal culture.

According to researchers, the enforcement agency for the judicial code of ethics and conduct within the Constitutional Court Law maintains a weak position. This weakness can impact the professionalism of Constitutional Judges when handling ethical violations, consequently eroding public trust in the Constitutional Court. Therefore, strengthening these institutions is necessary to ensure proper case management. The rule of law is generally defined as a system where both governmental and civilian actions are governed by law, aiming to prevent arbitrary conduct from both the government and its citizens (Rachman, 2020). This principle serves as the foundation wherein national life and state governance are regulated through legislation, ensuring the protection of individual citizens' rights, group rights, and the proper exercise of executive, legislative, and judicial powers. Indonesia, as a state governed by rule of law, aims to promote public welfare and realize social justice for all Indonesian citizens within its constitutional framework. The operation of a legal system is determined by three fundamental elements: legal structure, legal substance, and legal culture. This framework establishes that the Ethics Council's existence is both essential and fundamental for maintaining the institutional dignity of the Constitutional Court and the personal dignity of its Judges (Friedman, 1975).

## **THEORETICAL REVIEW**

### ***Legal Systems Theory***

Law is a collection of norms, both written and unwritten, that pertain to human behavior, distinguishing between right and wrong, and encompass obligations and rights. Based on structure and regulation, the concept of law can be observed through three phenomena: first, the existence of certain social and legal forces that drive the formation of law (input); second, the emergence of the law itself; and third, the impact of the law on society (output). Lawrence Meir Friedman argues that the legal system is a complex entity comprising three elements. The primary components of a legal system are its legal structure, legal substance, and legal culture (Ali, 2009).

This element will illustrate in detail how the legal system is organized, beginning with what the legal system encompasses, how it operates, and the level of legal awareness it reflects. It will also consider external influences and factors outside the law that may cause the legal system to halt or advance. These three elements can further be used to describe the functions performed by the legal system (Fuady, 2007).

## **METHODOLOGY**

The research method is normative juridical, a scientific procedure aimed at discovering truth based on the logic of legal science through normative analysis. This research focuses on analyzing norms in positive law (Ibrahim, 2011). The approaches used include the statute approach and the conceptual approach. The legal materials for this research consist of primary, secondary, and tertiary sources. Legal materials are collected through document studies, library research, and internet research. The techniques of analysis used are grammatical interpretation and systematic interpretation (Soekanto, 1990).

## **RESULTS**

The Judges Ethics Council was instituted as a regulatory framework to enforce judicial ethical standards and preserve the institutional integrity of Constitutional Court justices. Judicial misconduct and the misuse of judicial authority inherently compromise the foundational principles of the legal order and undermine the administration of justice. The evolution of ethical oversight mechanisms can be traced to the regulatory framework established under PMK No. 07/PMK/2005, as amended by PMK No. 09/PMK/2006, which codified the implementation protocols for the Code of Ethics and Professional Conduct for Constitutional Court Judges, commonly referred to as the Sapta Karsa Utama. This comprehensive ethical framework delineates seven cardinal principles that constitute the normative foundation for judicial conduct within the Constitutional Court: Independence, Impartiality, Integrity, Equality, Proficiency, and Wisdom. These principles serve as the cornerstone for maintaining judicial accountability and professional standards (Idrus, Hisbullah, Sofyan & Asti, 2022).

Law Number 8 of 2011, which amended Law Number 24 of 2003 regarding the Constitutional Court, only includes general provisions related to the Honorary Council. The ethical principles previously established in PMK Number 10 of 2006 were not included in the core provisions of this law. Later, Law Number 8 of 2011 was annulled through Constitutional Court Decision Number 49/PUU-IX/2011. The annulled provisions specifically related to the composition of the Constitutional Court's Honorary Council. The basis for this annulment was the potential conflict of interest due to the inclusion of representatives from the House of Representatives (DPR), government officials, and Supreme Court Judges. This conflict was considered likely, as the House of Representatives, government, Supreme Court Judges, and the Judicial Commission might appear as parties in cases before the Constitutional Court.

The Ethics Council and the Honorary Council of the Constitutional Court exercise their respective supervisory authorities through distinct procedural mechanisms. The Ethics Council is vested with the responsibility of monitoring and ensuring Constitutional Court judges' compliance with statutory provisions and ethical standards in the execution of their duties and authorities. Pursuant to the Code of Ethics and Code of Conduct for Judges, upon receipt or discovery of information concerning alleged serious violations, whether through public reports or other sources, the Ethics Council shall recommend the establishment of the Constitutional Court Honor Council (Muhammad, 1997).

The Ethics Council and Honorary Council of the Constitutional Court, which serve as judicial oversight bodies within the Constitutional Court system, have been governed by specific regulations since the Court's establishment. Regarding dismissal proceedings, Constitutional Judges possess the right to present their defense before the Honorary Council. This article demonstrates that the Honorary Council functions as one of the institutional mechanisms within the Constitutional Court that serves to uphold and enforce the ethical standards of Constitutional Judges.

In furtherance of juridical certainty, the Constitutional Court promulgated Regulation No. 2/PMK/2014, establishing the Constitutional Court Honorary Council (MKMK), which was subsequently superseded by the more comprehensive PMK No. 1/2023. This legislative evolution reflects a deliberate effort to enhance the institutional authority and regulatory capacity of the MKMK. The current regulatory framework, as prescribed under PMK No. 1/2023, mandates the establishment of the Honorary Council as the primary oversight mechanism for preserving judicial integrity, maintaining institutional gravitas, and enforcing compliance with the prescribed standards of ethical conduct and judicial behavior among Constitutional Court Judges.

Based on these regulations, from the point of view of authority, the Constitutional Court has the right to establish MKMK. This authority is classified as attributive authority under administrative law principles. According to administrative law Philip M. Hardjon and Hamid S. Attamimi, authority can be primarily obtained through two mechanisms: attribution and delegation, with mandate serving as an exceptional means of authority acquisition. That attributive authority, being authority directly conferred by law, must satisfy three essential criteria: The authority to promulgate regulations must be explicitly created; The authority must derive from constitutional provisions, statutory law, or regional regulations that explicitly vest power in a specific organ; and The state organ receiving such authority bears direct responsibility for its exercise. Consequently, attributive authority constitutes original authority inherently vested in an organ, rather than authority that is transferred or delegated from another entity (Tandi, Wijayanti & Astuti, 2024).

The Ethics Council lacks statutory authority to independently investigate potential violations of the code of ethics by constitutional judges. This limitation proves ineffective, as the Ethics Council, despite maintaining its office within the Constitutional Court premises, possesses potentially greater access to

accurate and timely information regarding judicial conduct than the general public. Furthermore, the Ethics Council should be empowered to conduct investigatory examinations of judges upon discovery of information suggesting potential ethical violations, irrespective of whether such allegations originate from public reporting (Jurdi, Hanapi & Hidayat, 2020).

The Code of Ethics and Code of Conduct for Judges serves as a regulatory framework delineating permissible and impermissible judicial behavior, mandatory requirements, and recommended practices. This framework aims to cultivate judicial officials with unimpeachable integrity, positioning them as the ultimate arbiters in the pursuit of justice.

The Ethics Council's establishment represents a direct implementation of constitutional mandates. Both the Ethics Council for Constitutional Judges and the Constitutional Court Honor Council exemplify the Constitutional Court's commitment to enhancing the dignity of Constitutional Court Judges as state officials. Pursuant to Constitutional Court Regulation (PMK) No. 2/2013, as amended by PMK No. 2/2014, the Ethics Council maintains permanent status while the Honor Council operates on an ad hoc basis. Subsequently, PMK No. 1/2023 modified the Honor Council's structure, establishing both permanent membership with three-year terms and ad hoc appointments as determined through Judicial Consultative Meetings.

## DISCUSSION

The significant changes in Indonesia constitutional system following the amendments have highlighted the crucial roles of the Constitutional Court and the Judicial Commission in safeguarding the independence and accountability of the judiciary. As the highest authority in Indonesia's constitutional judiciary, the Constitutional Court is responsible for ensuring compliance with the 1945 Constitution. Through a series of rulings, the Court has been pivotal in maintaining legal and constitutional consistency in the country. Together, these two institutions demonstrate a commitment to enhancing the quality of Indonesia's judiciary, protecting citizens' rights, and upholding the principles of justice and the rule of law. In light of these constitutional changes, their roles and responsibilities have become central to promoting a more democratic, transparent, and accountable constitutional system.

The legal reasoning (*ratio decidendi*) in Constitutional Court Decision Number 05/PUU-IV/2006 establishes that Constitutional Judges are not subject to supervision by the Judicial Commission. This determination stems from the fact that Constitutional Judges serve fixed terms, unlike professional judges who are bound by civil service retirement provisions. The exemption of Constitutional Court Justices from external oversight by the Judicial Commission derives from a systematic hermeneutical analysis of Article 24B of Indonesia's 1945 Constitution. Such interpretative construction acknowledges that subjecting Constitutional Court Justices to the Judicial Commission's supervisory authority would potentially compromise the Court's adjudicative independence, particularly in its constitutional mandate to resolve inter-institutional jurisdictional disputes. This institutional arrangement is crucial for preserving the Court's impartiality,

especially when adjudicating controversies involving the Judicial Commission's jurisdictional scope vis-à-vis other state organs. Notably, while maintaining this jurisdictional independence, the third amendment to Law No. 7 of 2020 on the Constitutional Court introduces a temporal limitation on judicial tenure through Article 23(1)(c), which establishes a mandatory retirement age of 70 years old for Constitutional Court Justices.

A Code of Ethics comprises moral rules specific to a particular position or profession. While the content of a code of ethics is general and abstract, a code of conduct is operationally concrete, serving as a guide for practical behavior. The code of conduct requires minimal interpretation regarding compliance or sanctions. It establishes clear and fair standards that define which actions are desirable, acceptable, or forbidden (Asshiddiqie, 2014). Ethics is a field of knowledge that encompasses the understanding of good and bad concepts, prescribes appropriate human conduct, identifies objectives that should guide human actions, and provides guidelines for achieving these prescribed actions (Amin, 1983).

The Ethics Council, responsible for overseeing Constitutional Judges, primarily operates based on ethical and moral principles. Due to its role as a supervisory body for Constitutional Judges, the Ethics Council should be governed by higher-level legislation. Although the Honorary Council of the Constitutional Court is directly governed by the Constitutional Court Law, the permanent Ethics Council is addressed solely through Constitutional Court Regulations (PMK). Given the strict qualifications required to become a Constitutional Court Judge, the Ethics Council should also be integrated into the Constitutional Court Law. This law plays a regulatory role (*regelende functie*) in a concrete sense, demonstrated through its legislative function.

In terms of its institutional structure, the Ethics Council is regulated solely by Constitutional Court Regulations. In executing its duties, the Ethics Council functions alongside the Constitutional Court Honor Council. The duties and authorities of these institutions differ: the Ethics Council is empowered to process complaints, conduct examinations, and summon judges who are reported or under suspicion. The Constitutional Court Honor Council, on the other hand, is responsible for reviewing reports submitted by the Ethics Council regarding alleged serious violations and hearing the defense of judges under investigation.

The Constitutional Court demonstrated its commitment to affirming the role of the Ethics Council through Constitutional Court Decision Number 1-2/PUU-XII/2014. In this decision, the Court ruled that Law No. 4 of 2014 was unconstitutional, leading to the reinstatement of Law No. 24 of 2003 (as amended). Additionally, the Court detailed the supervisory body for Constitutional Judges in PMK No. 2/PMK/2014 regarding the Honorary Council of the Constitutional Court, combining the Ethics Council and the Honorary Council to uphold and enforce ethical standards and impose sanctions for ethical violations. However, as the Ethics Council lacks a legislative foundation, this could lead to issues within Indonesia's constitutional framework.

There have been at least 5 (five) Constitutional Court judges who have violated the Code of Ethics. The first case occurred in 2013 involving



Constitutional Judge Akil Mochtar. The second case involved Patrialis Akbar, the third involved Arief Hidayat, the fourth involved Guntur Hamzah, and the fifth involved Anwar Usman. These violations demonstrate that maintaining integrity within the Constitutional Court remains a crucial issue for justice seekers. Although the Constitutional Court's dignity has been questioned due to alleged violations committed by several constitutional judges, it's important to note that judges are not perfect human beings and are capable of making mistakes. Therefore, judicial independence must be accompanied by accountability. However, in the current era, there are increasing concerns about judicial decisions that appear to have lost their moral foundation (Falaakh, 2009).

The way out of the dilemma caused by the problematic of judicial independence and tyranny is by raising ideas related to judicial performance accountability by judges and judicial institutions. All forms of a judge's performance both when adjudicating and deciding a case even when outside the judicial chamber must be carried out as a form of individual accountability as God's representative in the world. On this basis, supervision of the judiciary is very important. Supervision of judges is not a form of interference with the independence of judges in carrying out judicial functions. However, this is done in order to prevent judicial tyranny (Widjojanto, 2010 ).

Judicial supervision constitutes a systematic process of identifying, assessing, and rectifying deviations from established legal and regulatory frameworks, whether potential or actualized. This supervisory mechanism serves to enhance judicial performance through the advancement of accountability measures in pursuit of justice. The implementation of judicial oversight serves two fundamental objectives: primarily, to prevent and eliminate procedural irregularities, fraudulent activities, resource misallocation, institutional impediments, and miscarriages of justice; and secondarily, to establish optimized methodologies for the efficient execution of judicial officers' core duties and functions (Sholeh,2014).

The Ethics Council, established under the authority of the Chief Justice of the Constitutional Court for a prescribed three-year tenure, operates within a supervisory framework that potentially compromises its autonomous status. This compromised independence stems from the Council's institutional subordination to the Constitutional Court across multiple dimensions, encompassing its formation, exercise of authority, and administrative operations. Such structural dependency engenders potential conflicts of interest, thereby potentially compromising the objectivity and credibility of the supervisory process over constitutional judges. Given its position as the terminal judicial authority whose determinations are not subject to subsequent legal review, the Constitutional Court's institutional architecture necessitates a framework that categorically precludes any reasonable basis for questioning its integrity or independence (Sholeh, 2014).

Based on the foregoing analysis, the proposed optimal framework for the Constitutional Judge Ethics Council encompasses the following elements:

- a. The qualifications for Constitutional Judge appointments are explicitly prescribed in Article 24C paragraph (5) of the 1945 Constitution of the

- Republic of Indonesia. A Constitutional Judge must demonstrate unimpeachable integrity and character, exhibit judicial fairness, possess comprehensive expertise in constitutional and state administrative law, and maintain independence from other state offices.
- b. Pursuant to these qualifying criteria, legislation mandates the Constitutional Court to establish a Code of Ethics and Guidelines for the Conduct of Constitutional Judges, comprising binding normative standards.
  - c. The Constitutional Judge Ethics Honorary Council shall function as an organ established by the Constitutional Court, vested with the authority to preserve and uphold the honor, dignity, and ethical standards of Constitutional Judges.
  - d. The constitutional framework for the Ethics Honorary Council, as the implementing body of the Code of Ethics and Guidelines for the Conduct of Constitutional Judges, is prescribed in Article 27A paragraph (2).
  - e. Article 27A paragraph (2) of the Constitutional Court Law should stipulate:  
"(2) For the implementation and enforcement of the Code of Ethics and Guidelines for the Conduct of Constitutional Judges as referenced in paragraph (1), a permanent Constitutional Judges Ethics Honorary Council shall be established, comprising:
    - a. One (1) former Constitutional Judge
    - b. One (1) Professor of Law
    - c. One (1) member of the Judicial Commission"
  - f. Article 27A paragraph (3) of the Constitutional Court Law should stipulate: (3) Members of the Constitutional Judges Ethics Honorary Council must demonstrate senior statesmanship, possess unimpeachable integrity and moral standing, maintain an exemplary character, exhibit comprehensive understanding of constitutional principles, and bear no criminal record."
  - g. The selection process for the Constitutional Judges Ethics Honorary Council shall be conducted through an Expert Panel, established by Chief Justice Decree pursuant to the Judges' Deliberation Meeting.
  - h. Article 27A paragraph (4) of the Constitutional Court Law should stipulate: (4) The Expert Panel shall constitute a selective body responsible for the evaluation and nomination of candidates for the Constitutional Justice Ethics Honorary Council. The Panel shall operate on an ad hoc basis with the following composition:
    1. One (1) former Constitutional Justice;
    2. One (1) legal scholar; and
    3. One (1) former member of either the Ethics Council or Honorary Council"
  - i. Comprehensive provisions governing the Expert Panel's operations shall be prescribed through Constitutional Court Regulations pursuant to Article 27A paragraph (7) of the Constitutional Court Law.
  - j. The Constitutional Justice Ethics Honorary Council shall be vested with the authority to conduct judicial performance evaluations and implement periodic supervision as a preventive mechanism against potential violations by Constitutional Justices.

- k. The fourth amendment to the Constitutional Court Law establishes the Constitutional Justice Ethics Honorary Council as the sole supervisory institution for Constitutional Justices.
- l. The Sapta Karsa Hutama shall serve as the foundational framework of values and principles for evaluating the conduct of Constitutional Justices.

The fourth amendment to the Constitutional Court Law is needed to strengthen the position of the Constitutional Court itself because, based on the official statement from the MKRI website, it stated its separation from the constitutional judge ethics council dated December 23, 2021. The news emphasized that the duties of the Ethics Council were continued by the MKMK as mandated in Law No. 7 of 2020.

Due to the absence of a revocation of the PMK on the Ethics Council, there exists a vacancy in the Ethics Council. While the Ethics Council continues to exist normatively, there is an institutional vacancy. Consequently, the alleged violations of the code of ethics and conduct by Constitutional Justice Anwar Usman have not been properly handled according to the normative duties and authorities of the three Ethics Council members (Ramadan et al., 2022).

Regarding future arrangements for MKMK membership, one suggestion is to exclude active Constitutional Justices from serving as members. This would prevent any overlap of power, as active Constitutional Justices already have roles in examining and trying cases at the Constitutional Court. The MKMK members will be strictly and accountably selected by a panel of experts.

## **CONCLUSIONS AND RECOMMENDATIONS**

The future membership arrangements of MKMK shall not include active Constitutional Court judges. MKMK members shall be selected and appointed by an expert panel, specifically an ad hoc Expert Panel comprising: 1 (one) former Constitutional Court Judge; 1 (one) legal academic; and 1 (one) former member of the Ethics Council or Honor Council. This selection process aims to ensure the appointment of professional MKMK members who will uphold the dignity of Constitutional Court judges.

## **FURTHER STUDY**

Future research should examine the Ethics Council's recruitment mechanism to ensure proper implementation of transparency and accountability principles.

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