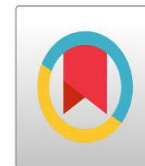


The Role of Ethics in Decision Making by the Constitutional Court on the Age Limit for Presidential and Vice Presidential Candidates

Peran Etika Dalam Pengambilan Putusan Oleh Mahkamah Konstitusi Tentang Batas Usia Calon Presiden dan Calon Wakil Presiden



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ABSTRACT

This research aims to analyze the role of ethics in the decision of the Constitutional Court (MK) regarding the age limit of presidential and vice presidential candidates and its impact on public views and moral principles in the political system of law and government in Indonesia. The issuance of Constitutional Court Decision Number 90/PUU-XXI/2023 in Indonesia has caused controversy. Through the framework of ethical theories, such as deontology, utilitarianism, leadership ethics, and political ethics and governance ethics, this study reveals how the Constitutional Court's decision raises ethical questions about the Court's moral obligations, the impact on public welfare, individual rights, and moral values in politics. The research method is based on a qualitative method with the type of research used is a literature study. The results show that there are ethical violations in the Constitutional Court's decision-making that have an impact on the moral aspects of the political, legal and governmental system in Indonesia. The Constitutional Court needs to uphold ethics, so that the honor and dignity of law enforcers are well maintained.

Kata Kunci

Putusan Mahkamah Konstitusi; Etika; Dampak;

ABSTRAK

Penelitian ini bertujuan untuk menganalisis peran etika dalam putusan Mahkamah Konstitusi (MK) mengenai batasan usia calon presiden dan wakil presiden dan dampaknya pada pandangan masyarakat serta prinsip-prinsip moral dalam sistem politik hukum dan pemerintahan di Indonesia. Dengan terbitnya putusan MK Nomor 90/PUU-XXI/2023 di Indonesia telah menimbulkan kontroversi. Melalui kerangka teori etika, seperti deontologi, utilitarianisme, etika kepemimpinan, dan etika politik serta etika pemerintahan. penelitian ini mengungkap bagaimana keputusan MK memunculkan pertanyaan etis tentang kewajiban moral MK, dampak pada kesejahteraan masyarakat, hak individu, dan nilai-nilai moral dalam politik. Metode penelitian berdasarkan kepada metode kualitatif dengan jenis penelitian yang digunakan adalah studi literatur. Hasil penelitian menunjukkan terdapat pelanggaran etika dalam pengambilan keputusan MK yang berdampak pada aspek moral dalam sistem politik hukum dan pemerintahan di Indonesia. Mahkamah Konstitusi perlu menjunjung tinggi etika, sehingga kehormatan dan martabat penegak hukum terjaga dengan baik.

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Introduction

As an effort to prevent ethical violations by government officials and increase public trust, which is currently declining, there is a need for studies related to government ethics. This study is considered important as an effort to realize good and accountable governance. The National Defense Institute of the Republic of Indonesia has reported a strengthening of negative sentiment towards the government in early 2023 (Lemhannas, 2023). The code of ethics must be applied and become a guideline for carrying out duties and responsibilities. Empirically, there are ethical violations committed by the Constitutional Court (MK) Decision Number 90/PUU-XXI/2023 concerning the age limit for presidential and vice presidential candidates in Indonesia has become a controversial topic in politics and law, for its decision stating that a person who is not yet 40 years old can run as a presidential and vice presidential candidate if he has experience as a regional head or an electorally elected official. After the Constitutional Court's decision, polemics arose and complaints were filed with the Constitutional Court regarding alleged violations of the code of ethics and guidelines for judge behavior in the Constitutional Court's decision (Muhdar; Susilowati, 2023). The ethical aspects of the Constitutional Court's decision-making are often the main concern that influences various views and attitudes towards the decision, such as the study of (Pambayun, 2023; Purnamasari, 2018). The ethical aspects of the Constitutional Court Decision Number 90/PUU-XXI/2023 on the age limit for presidential and vice-presidential candidates in Indonesia have become a central point of debate in the legal and political realms. In the political arena, it will lead to the style of political parties in recruiting a cadre who will become the nation's leader (Welasari, 2023). Meanwhile, in the legal context, according to Prof. Dr. Muchamad Ali in (Subandri, 2023). stated that there was an incompatibility with the Constitutional Court's decision, where the existence of the Constitutional Court has the function of testing existing norms, not forming new norms, the existence of the Constitutional Court tests whether the norm is constitutional or unconstitutional, because this reflects deep ethical considerations in the context of constitutional justice. One of the ethical perspectives that is relevant in assessing the Constitutional Court's decision is deontology. that the Constitutional Court's decisions tend to be controversial raises ethical questions about the moral obligations of the Constitutional Court in deciding to change the age limit for presidential and vice-presidential candidacy. Some may consider this change as an action that contradicts the moral principles underlying legal norms. Within the framework of deontological ethics, research can examine whether the Constitutional Court's decision is in accordance with the moral principles underlying legal norms. In addition, in a utilitarianism analysis, the impact of the Constitutional Court's decision on the welfare of society as a whole

is a subject of ethical debate. Some may consider that opening up opportunities for younger candidates with experience in office is a move that creates greater welfare, while others may question its long-term implications. But in the context of elections, it is a direct manifestation of the sovereignty of the people to be able to directly choose their leaders (Mamonto, 2019). But in this context, utilitarianism ethics plays an important role in measuring whether the Constitutional Court's decision provides maximum benefits to society. Ethical assessment can also be seen from a human rights perspective. The Constitutional Court's decision raises ethical questions about the rights of individuals, including the right to compete in presidential and vice presidential elections.

Some may see this change as an attempt to expand individual rights, while others may see it as a violation of existing rights. In this context, human rights ethics become an important foundation in assessing the Constitutional Court's decision. Regardless of the ethical perspective used, this research highlights the importance of understanding the ethical aspects of public policy and constitutional law in a democratic context. Because the function of the Constitutional Court is not only related to upholding the constitution but also upholding democracy (Puspitasari, 2011). Ethical debate is the first step in maintaining a balance between the interests of individuals and society and maintaining the integrity of the political legal and governance system. The importance of exploring ethics in the context of this Constitutional Court decision lies in its influence on moral values in Indonesia's political and legal system. Ethics are the moral principles that underlie actions and decisions, and in the context of public policy, ethics are the moral principles that underlie actions and decisions (Ismail, 2017), Ethics plays a crucial role in determining whether a policy or decision is considered a right or wrong action. Government ethics are said to be always related to virtues that relate to the basic rights of citizens as social human beings. In relation to the Constitutional Court's ruling on the age limit for presidential and vice-presidential candidates, some support it with the argument that it leads to more ethical leaders who are committed to their duties. Meanwhile, there are also critics who state that this decision may hinder the equality rights of younger candidates with important ethical potential. Therefore, research on the ethics in this Constitutional Court Decision is important to reveal the ethical impact of this decision on the principles of democracy, justice, and human rights. In addition, this research will provide insights into how ethics play a key role in political and legal decision-making, and how the Constitutional Court as a constitutional court maintains moral integrity in its work.

Each ethical theory provides a distinctive framework for viewing ethical principles (Graham, 2015). In this theory, the basis for good and bad behavior is obligation. An

action is good, and therefore we should do it. Meanwhile, if an action is bad, then it is forbidden for us to do it. In ethics, there is the theory of deontology. This theory asserts that the good or bad of a behavior is not judged based on the impact it causes, but the obligation it causes (Maiwan, 2018). An example is why someone needs to behave fairly, honestly or trustworthily. Deontology emphasizes moral obligation as the main guide, consequentialism assesses actions based on the results they produce, ethics focuses on developing good character, obligation ethics highlights moral responsibilities and obligations, sustainability ethics focuses on environmental and social sustainability, religious ethics is based on religious teachings, feminist ethics explores ethical issues against the backdrop of gender, community ethics emphasizes values in society, and ethics underscores the role of care, empathy, and human relationships in ethical decision-making. The selection of an appropriate ethical theory depends on the context and values prevailing in a particular ethical situation, assisting in moral understanding and decision-making. In the context of the Constitutional Court (MK) Decision Number 90/PUU-XXI/2023 that changed the minimum age requirement for presidential and vice-presidential candidates in Indonesia, various ethical theories can be applied to assess its impact and implications. In this research, a focus on ethical theory will help in understanding the moral aspects of the ruling. The main concept in the traditional ethics of deontology is moral obligation (Dewi, 2016). This means that individuals have a moral responsibility to act in accordance with established ethical norms, regardless of the final outcome of the action. Deontological ethics is often associated with philosopher Immanuel Kant, who developed an ethical theory based on absolute moral principles. In the context of deontological ethics, actions that are considered good are those that conform to moral obligations and applicable ethical rules, while actions that are considered bad are those that violate those moral obligations, even if the outcome could be positive.

Utilitarianism is a consequentialist ethical theory that emphasizes that ethical actions are those that produce the most consequences or the most happiness for the most people (Pratiwi et al., 2022). In utilitarianism, actions that are considered ethical are those that bring maximum benefit or reduce suffering as much as possible to the entire society or group affected (Philip Schofield, 2013). This is in line with the results of research (Kolosov & Sigalov, 2020a) which states that ethics and legal thinking are based on the principle of utility. If associated with utilitarianism, actions that are considered ethical then this theory focuses on the consequences or outcomes of actions, and the main goal is to achieve overall happiness or social welfare (Kolosov & Sigalov, 2020b). Utilitarianism views that ethical decision-making should be based on rational calculations that consider the positive and negative impacts of the action to be taken (P. Schofield, 2003). In the utilitarianism perspective, the researcher will assess the

impact of MK's decision on the welfare of society as a whole. Ethical considerations will include whether this decision can be considered as an attempt to achieve greater welfare for society or vice versa. Government ethics is said to always relate to virtues that are connected to the basic rights of citizens as social human beings (Ismail, 2017). The virtues developed in government ethics are respect for human life, honesty, justice and decency, strength of morality, fortitude, simplicity and self-control as well as religious and socio-cultural values. ethics that are based on moral teachings and character building always undergo changes and evaluations from the people who support them, in accordance with the dynamics of the life of the community itself (Labolo et al., 2023). The role of the Constitutional Court (MK) in interpreting and issuing decisions on constitutional cases has a significant impact on the course of government and the political system of a country. One of the controversial issues faced by the Constitutional Court is the issue of age limits for the president and vice president. In this literature review, the role of ethics and morals in the Constitutional Court's decision regarding the age limit of the president and vice president will be analyzed. In general, the function of government ethics in the practice of governance is as a guideline, reference, reference, implementation of government duties and as a reference to assess whether the decisions and or actions of government officials are good or bad, commendable or reprehensible.

Ethics and morals are important factors that must be considered in making legal decisions, especially by state institutions such as the Constitutional Court. The Court's decisions are not only technically legal, but also have broad social and political implications. Therefore, ethical and moral aspects play a crucial role in determining justice and truth in a case. It is a matter of record that the Constitutional Court's decisions regarding the age limit of the president and vice president include several cases that have attracted public attention. One of the cases in the spotlight was a judicial review filed against articles related to age limits in the presidential election law. The Constitutional Court's decision on this case considered ethical and moral aspects, where the decision was considered a form of justice for the constitutional rights of presidential candidates affected by age limits. The Constitutional Court's decision on the presidential and vice-presidential age limit not only had legal implications, but also significant social, political and governance consequences. This decision has led to a public debate on the eligibility and capability of presidential candidates who are above the age limit. The discussion on whether the age limit is a relevant determinant in assessing the quality of leadership has also become a hot topic in society, as the importance of considering ethics and morals in making legal decisions has been widely recognized.

Legal ethics emphasizes the need to ensure that legal decisions are a reflection of the moral values recognized by society. As the highest judicial institution, the Constitutional Court has a moral responsibility to ensure that its decisions not only meet legal standards, but also hold high moral integrity. In addition, ethics is also related to human rights. Ethics and human rights lie in every human attitude and behavior, because in simple terms morals are norm standards and ethics are standards of behavior (Umaroh, 2023). As law enforcement officials as well as government officials, constitutional judges need to uphold ethics in carrying out their obligations. Of course, in guiding the ethics and behavior of constitutional judges there are already guidelines for the code of ethics. Based on the Joint Decree made between the Chairman of the Supreme Court of the Republic of Indonesia Number 047/KMA/SKB/IV/2009 and the Chairman of the Judicial Commission of the Republic of Indonesia Number 02/SKB/P.KY/IV/2009 concerning the Code of Ethics and Code of Conduct for Judges, there are 10 codes of ethics that guide judges, namely behaving fairly, honestly, wisely and wisely, independently, with high integrity, responsible, upholding self-respect, high discipline, humble and professional. The purpose of the judges' professional code of ethics is to build the character of judges, supervise their behavior, and control society. It also prevents extra judicial interference, prevents misunderstanding of conflicts between fellow citizens, and increases public trust in the judiciary (Bawangun, 2014). There are seven codes of ethics and behavior of constitutional judges called Sapta Karsa Utama which are regulated in the Regulation of the Constitutional Court of the Republic of Indonesia Number 09 / PMK / 2006 concerning the Enforcement of the Declaration of the Code of Ethics and Behavior of Constitutional Judges, namely independence, impartiality. Integrity, appropriateness and decency, equality, skill and efficiency, as well as wisdom and discretion. Thus, ethics and morals play an important role in the Constitutional Court's decision regarding the age limit of the president and vice president. The Court's decision is not only a legal technicality, but also has significant political and governance implications. Therefore, it is important to consider ethical and moral principles in a legal decision-making process by the Constitutional Court. Thus, this research will try to investigate and analyze the ethical aspects of Constitutional Court Decision Number 90/PUU-XXI/2023, and its impact on the ethical order in legal politics and governance in Indonesia. Thus, this study aims to analyze and understand the role and impact of ethics in the Constitutional Court's Decision on the age limit of presidential and vice-presidential candidates in Indonesia, as well as how this decision affects people's views and the moral principles underlying the political and legal system.

Method

This research uses a qualitative method. The research data was obtained through literature study and document analysis. Literature study was conducted to review the literature relevant to this research. Document analysis was conducted to analyze the Constitutional Court Decision Number 90/PUU-XXI/2023 on the age limit of presidential and vice presidential candidates based on the code of ethics of constitutional judges. Data validity tests include credibility tests, namely by increasing accuracy in research and by using reference materials. In addition, this research will also consider the practical implications of the Constitutional Court's decision related to the age limit of the president and vice president. How this decision affects political dynamics and government stability is an important aspect that will be analyzed. In addition, this research will also consider whether the Constitutional Court's decision is in line with the ethical and moral values upheld by society and whether this decision is considered a step that strengthens or affects the integrity of the country's political and legal system. In this context, this research will make an important contribution to understanding the ethical and moral implications of the Constitutional Court's decision-making process. The source of the data taken is documentation or archives so that in research on government, it must include what documents must and will be sought to support the research being carried out (Simangunsong, 2016). In addition, data were also obtained from the results of the decision of the Honorary Council of the Constitutional Court regarding ethical violations committed by constitutional court judges. The data collection technique is to conduct a documentation study (Sugiyono, 2013). This research is conducted by systematically analyzing documents against records or documents that are used as data sources. In other words, document analysis or content analysis is intended to collect and analyze official documents, documents whose validity is guaranteed, both in the form of legislation and policies and research results (Hardani et al., 2020).

Literature Study

Research on ethics has been widely studied by previous researchers with mixed results.

Table 1. Previous Research

Article Title	Research Methods	Research Results
Political Leadership Ethics in Indonesian Governance	Qualitative, Literature Study	The occurrence of corruption cases in Indonesia is related to political ethics leadership.
Public Service Ethics in Indonesia	Kulitattiff, Stuid Library	There is a need for paying laws about ethics so that public services run well.
<i>Ethics of local government heads: A study of leadership in Surabaya, Bandung, and Purwakarta, Indonesia</i>	Descriptive qualitative, with a literature study approach.	The Mayor of Surabaya (Tri Rismaharini), the Mayor of Bandung (Ridwan Kamil) and the Regent of Purwakarta (Dedi Mulyadi) were able to apply ethics well so that their

		government performance obtained the expected results.
Government Ethics in Realizing a Professional Bureaucracy in the East Passi District Office, Bolaang Mongondow Regency	Descriptive qualitative	The government apparatus in Passi Timur Sub-district has not yet demonstrated professional bureaucracy because of many community complaints.
Government Ethics as a Catalyst for Discretion in Handling Covid-19 According to Law No. 2 of 2020	Normative Legal Research	The application of the Law on the establishment of state financial policies and financial stabilization for handling the Covid-19 pandemic is considered not to violate ethics because it is in a pandemic situation.
Building Government Ethics in Bureaucracy Based on Local Culture	Descriptive qualitative	Monitoring the performance of public institutions is carried out in an effort to take steps to improve the system and culture of government ethics and local culture in Indonesia for the sake of horizontal conflict management and public policy formulation.

Source: Processed by Researcher, 2023

Ethics has a strategic role in government, many cases of corruption that occur due to weak political leadership ethics (Setiawan & Fauzi, 2019). Rules on ethics need to be compiled and stipulated into laws so that bureaucrats can be subject to severe sanctions if they violate them (Bisri & Asmoro, 2019). With the application of ethics properly, the wheels of government run by three regional heads, namely the Mayor of Surabaya, the Mayor of Bandung and the Regent of Purwakarta, are able to organize the government with the expected results (Taufik et al., 2021). Ethics also affect the organization of the bureaucracy in Passi Timur Subdistrict so that according to the researcher, it shows that the government apparatus in the sub-district has not acted professionally with many complaints from the community (Mongilala et al., 2018). In addition, in research on government ethics during the co-19 pandemic, it is possible to use discretion so that government administration can run in accordance with ethics or general principles of good governance (Silvia et al., 2022). In an effort to improve the government ethics system, it is necessary to monitor the community so that the government is able to build a better bureaucracy and politics (Alip et al., 2022).

Result and Discussion

Ethics Violation Findings

The Constitutional Court (MK) plays an important role in the decision on the presidential and vice presidential age limit lawsuit in the context of Indonesia's political and government policies. because constitutionally the Constitutional Court institution has functions

and duties in constitutional cases on certain constitutional cases and can be carried out responsibly in accordance with the mandate and ideals of democracy (Subandri, 2023). In addition, the authority possessed by the Constitutional Court is expressly stated in the 1945 Constitution, giving the Constitutional Court the power to review laws that are deemed inconsistent or contrary to the 1945 Constitution (Mutiarra & Firdaus, 2022)(Nadhia Ayu Sarasvati; Purwono Sungkono Raharjo, 2022), and as its function, the Constitutional Court only examines existing laws that are contrary or not to the 1945 Constitution and its decision is final (Nurhidayatulloh, 2016) but as a result of the study of (Prayatno, Cecep; Susilowati, 2024) which states that the Constitutional Court's decision does not only cancel the norm but changes or becomes new certain parts of the content of a law that is tested.

Therefore, the Constitutional Court's decision has a far-reaching impact on political stability and justice in the system of government, and the sustainability of politics in Indonesia, the dilemma of democracy. Ethics and morals therefore play a key role in this decision-making process. First of all, ethics plays a central role in ensuring that the Court's decision-making process takes place with integrity and honesty. The Court's judges must ensure that they consider all arguments and evidence fairly, without favoring any party. They must also adhere to high standards of professional ethics in carrying out their duties. Strong ethics in this decision-making process will ensure that the decisions are the result of careful and objective analysis. In addition, morals also play an important role in the Court's decision-making process. The decision on the age limit of the president and vice president has an impact on the country and society. Therefore, Constitutional Court judges must consider the moral implications of their decisions (Subandri, 2023). They must ensure that their decision is in line with the moral values upheld by Indonesian society, such as justice, truth, and shared prosperity.

The Court's decision must also consider constitutional and legal aspects. Judges must ensure that their decisions are in accordance with the provisions contained in the 1945 Constitution and applicable positive laws (Hardianto, 2016). They must also consider generally accepted legal principles, such as the principle of correct constitutional interpretation and the principle of justice (James Barr Ames, 2014). In the context of presidential and vice presidential age limits, the Constitutional Court should also consider input from various parties, including legal experts, political experts, and civil society. This will ensure that the decision made reflects diverse views and takes into account various viewpoints. The Constitutional Court must also consider the principle of balance of power between the executive, legislative and judicial branches. Decisions on presidential and vice presidential age limits should not result in an imbalance of power between these institutions. The Court must ensure that their decision respects the fundamental principles of a democratic system of government.

In determining the age limit of the president and vice president, the Constitutional Court must also consider social, cultural and political developments in Indonesia. They must understand the context of Indonesian society and ensure that their decision is relevant to the existing conditions. Taking into account all the factors mentioned above, the Constitutional Court must make a decision that is in the best interest of the country and society. These decisions must be based on careful deliberation, strong ethics and moral values. As such, the Constitutional Court will play a key role in ensuring that Indonesia's system of government runs properly and in accordance with fundamental constitutional and moral principles over the age determination of presidential and vice presidential candidates, as stipulated in Article 169 letter q of Law Number 7 Year 2017 on General Elections. However, the Constitutional Court (MK) granted a judicial review request against Article 169 letter q, stating that this age limit contradicts Article 28D paragraph (1) of the 1945 Constitution which guarantees the right of citizens to be elected and vote in general elections. The government responded by revising the Election Law, removing the minimum age limit for presidential and vice presidential candidates, reflecting Indonesia's growing debate about the country's leadership. Constitutional Court Decision Number 90/PUU-XXI/2023 on the age limit of presidential and vice presidential candidates is considered controversial because it contradicts the principles of justice and equality. The decision is considered not objective because it does not consider the interests of society and the interests of individuals in a balanced manner. The decision is also considered impartial because it seems to favor the interests of individuals under the age of 40. Considering that there is disapproval from some people and reports from stakeholders, the Honorary Council of the Constitutional Court needs to carry out its role to maintain and uphold the honor, nobility, dignity and code of ethics and behavior of constitutional court judges. By being called an "ethics court", it means that it also has an ethics court. Every principle that applies in the world of legal justice must also be applied in the field of ethics. For example, the principle of "audi et alteram partem" means that all parties must be heard. In the same way, the principles of judicial transparency and openness must be applied in the process of enforcing ethics codes. As a result, the field of legal science must add their new objects of research, namely the ethics rule system and the ethics judicial system (Asshiddiqie, 2021). If previously the ethics court was carried out behind closed doors, then the trial of the decision of the Honorary Council of the Constitutional Court was carried out openly, and this became a breakthrough in the field of law and government. Individual honor is no longer an important basis in the ethical trial process, because the impact of decisions allegedly made due to ethical violations, encourages trials to be carried out openly for the sake of openness and accountability of institutions that carry out ethical justice.

The research shows that the Court's decision raises ethical questions related to the Court's moral obligations in deciding to change the age limit. Some may consider this change to be contrary

to the moral principles underlying legal norms. In a utilitarianism analysis, the impact of the Constitutional Court's decision on the welfare of society as a whole is the subject of ethical debate. Some may consider that opening up opportunities for younger candidates with experience in office is a move that creates greater welfare, while others may question its long-term implications. The results show that the Constitutional Court's ruling raises ethical questions about individual rights, including the right to compete in presidential and vice presidential elections. Some may see this change as an attempt to expand individual rights, while others may see it as a violation of existing rights. Research reveals that the Constitutional Court, as a constitutional court, must consider the moral and ethical values expected of an institution that has such an important role in Indonesia's legal system. The Constitutional Court's decision reflects the ethical role of the institution. As the study of (Bentham, 2023) which shows that the importance of applying moral values in decisions. In the context of political ethics, the results show that the Constitutional Court's decision affects moral values in politics, such as justice and equality. The ethical debate relates to whether this decision considers ethical principles in the political system. This research highlights the role of ethics in the Constitutional Court's decision-making and reveals the moral impact of the Constitutional Court Decision Number 90/PUU-XXI/2023 on Indonesia's political and legal system. Analysis from various ethical viewpoints strengthens the understanding of the controversy of this decision and how ethical aspects play an important role in public policy and constitutional law. The results of the above research reveal a number of debatable ethical aspects in the context of the Constitutional Court's decision on the age limit for presidential and vice-presidential candidates in Indonesia.

Legitimacy after the Constitutional Court Decision

The Constitutional Court's decision to grant a judicial review of Article 169 letter q of Law Number 7/2017 on General Elections raises ethical questions about the Court's moral obligations in deciding to change the age provision. The deontological approach emphasizes the importance of complying with moral obligations without regard to consequences. Some may consider that the Constitutional Court has a moral obligation to consider the moral principles underlying legal norms, such as maintaining fairness and equality in elections. Morality is an aspect of human life that involves the rational senses as well as feelings in a way that other aspects of life do not (Graham Gordon, 2015).

In utilitarianism analysis, the impact of MK's decision on the welfare of society as a whole is the subject of ethical debate. Utilitarianism theory judges actions based on whether they result in a desired outcome. Some may see this change as a move that creates greater

welfare by opening up opportunities for potential young candidates. However, others may question its long-term implications and impact on political stability as well as other ethical considerations. The Constitutional Court's ruling raises ethical questions about individual rights, including the right to compete in presidential and vice presidential elections. Some may see this change as an attempt to expand individual rights and remove age discrimination, while others may see it as a violation of existing rights, such as the right to protect the public interest and maintain political stability.

As a constitutional court, the Constitutional Court must consider the moral and ethical values expected of an institution with such an important role in the legal and political system. The Court's decision reflects the ethical role of the institution and illustrates how the Court assesses moral principles in the context of the constitution. These ethical considerations are important to maintain public trust in the constitutional justice institution. In the context of political ethics, the results show that the decision affects moral values in politics, such as justice and equality. This decision has an impact on ethical principles in the political system, and the ethical debate relates to whether this decision considers ethical principles in the political system. This research underscores the need to integrate ethical principles in political decision-making. There are complex ethical aspects involved in the Court's decision and how public policy and constitutional law can affect society and the political system. These ethical debates are an important first step to ensuring that legal decisions reflect the moral values that society deems important and maintain the integrity of the legal system and political system. In a democratic framework, understanding and analyzing the ethical aspects of the Court's decisions is essential to maintain a balance between individual interests and the interests of society.

Political ethics is an effort that enables social institutions to distribute basic rights and obligations and determine the distribution of the benefits of social cooperation. It is not about eliminating inequalities, but about fairness and balance. Ethics includes moral considerations and principles that should and enable social institutions that distribute basic rights and obligations that guide the decision-making process of laws, policies, and policies (Funome et al., 2012; Mustika, Prabaningrum, 2019).

In the case of the age limit for presidential and vice presidential candidates, ethics will consider whether the age limit is in accordance with the moral values held by society and the constitution. The Constitutional Court's decision should reflect the ethical principles expected by society, such as justice, truth, and public interest. Morality also plays an important role in the Constitutional Court's decision. In this case, morality refers to the consideration of whether the age limit for presidential and vice presidential candidates reflects the moral values recognized

and accepted by Indonesian society. The Constitutional Court's decision must ensure that morality is not overlooked and that the policy adopted is in line with prevailing moral values. The finding of ethical violations by all constitutional judges shows that, in conclusion, ethics and morals play a significant role in the Constitutional Court's decision on the age limit for presidential and vice-presidential candidates. The decision must reflect the ethical principles and moral values held by society and the constitution. Thus, the integrity of the decision-making process in Indonesian law and politics can be well maintained. The decision of the Constitutional Court related to the determination of the age limit for presidential and vice-presidential candidates is considered to destroy the honor and dignity of the Constitutional Court in the eyes of the community and in the eyes of the world, in the way and behavior it has taken over the authority of the law-forming body which is actually the authority of the President and the authority of the House of Representatives.

Based on the provisions of Law Number 8 of 2011 on the Amendment to Law Number 24 of 2003 on the Amendment to Law Number 2 of 2003 on the Constitutional Court and Article 1 point 4 of the Regulation of the Constitutional Court Number 1 of 2023 on the Honorary Council of the Constitutional Court, the Honorary Council is a device established to maintain and uphold the honor, nobility, dignity and Code of Ethics and Behavior of Constitutional Judges. In terms of reports on alleged ethical violations committed by constitutional judges, there are two decisions issued by the Honorary Council of the Constitutional Court in response to reports from stakeholders on alleged violations of the code of ethics of constitutional judges. Based on the Decision of the Honorary Council of the Constitutional Court Number 5/MKMK/L/11/2023 dated November 3, 2023, decided and stated that the Reported Judges were jointly proven to have violated the Code of Ethics and Conduct of Constitutional Judges as stated in Sapta Karsa Utama, Principles of Decency and Politeness, thus imposing a collective oral reprimand sanction to the Reported Judges. In addition, based on the Decision of the Honorary Panel of the Constitutional Court Number 2/MKMK/L/11/2023, dated November 3, 2023, the Reported Judge, in this case the Chief Justice of the Constitutional Court, was proven to have committed serious violations of the Code of Ethics and Conduct of Constitutional Judges as set out in Sapta Karsa Utama, the Principles of Impartiality, the Principles of Integrity, the Principles of Proficiency and Equality, the Principles of Independence, and the Principles of Decency and Decency so that the Honorary Panel of the Constitutional Court imposed a sanction of dismissal from the position of Chief Justice of the Constitutional Court to the Reported Judge, namely the Chief Justice of the Constitutional Court. Thus, the decision actually proves that there are ethics violated by Constitutional Judges,

both collectively and individually, especially ethical violations committed by the Chief Justice of the Constitutional Court. Nevertheless, the decision made by the Constitutional Court remains valid even though it is based on ethical and moral violations. The legitimacy of the Constitutional Court's decision can be reduced because of violated ethics.

Conclusion

In the context of the Constitutional Court's decision on the age limit of the President and Vice President, it appears that ethical and moral aspects play an important role in determining public policies that have a major impact on governance and the future of the country. This decision must consider the moral and ethical values upheld by Indonesian society. The organization of general elections serves as the main foundation in carrying out substantial democracy. The importance of consistency with applicable laws and regulations and obeying the decisions of the Constitutional Court are the main foundations towards a stronger and more sustainable democracy. The Constitutional Court's decision on the age limit of the President and Vice President, all relevant parties, including election organizers, election participants, and the public, are urged to seriously comply with the Constitutional Court's decision in order to maintain the integrity of Indonesia's democratic system. Increased ethical and moral awareness is the foundation in determining public policy, so that important decisions that affect the state can be made by considering high moral aspects. The Constitutional Court needs to be strengthened in carrying out its function as a guardian of the integrity of judges so that independence must be maintained.

As a recommendation, future research should focus on transparency in government, as transparency is an important aspect of government ethics. Researchers can examine how to improve transparency and find inhibiting factors of transparency. The next research recommendation is to focus on research on public ethics and accountability issues. The issue is a growing issue today and focuses on the topic of discrimination or nepotism. By raising these topics, it is expected to provide new insights into how ethics can influence and improve government.

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