

Implications of ethics council and administrative court rulings on the status of Indonesian constitution court chief justice

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Abstract

A jurisdictional dispute arose in Indonesia after the Constitutional Court's Ethics Council imposed an ethics sanction on Anwar Usman, which was subsequently overturned by the Jakarta State Administrative Court through Decision No. 604/G/2023/PTUN.JKT. The central issue is whether an internal ethics decision of a constitutional court qualifies as a State Administrative Decision subject to administrative judicial review, and what implications such review might have for judicial independence. This study employs doctrinal legal research with statutory, conceptual, and case law approaches. The statutory law approach analyzes the Constitutional Court Law and the State Administrative Court Law, while the conceptual approach examines the doctrine of *beschikking* in Indonesian administrative law. The case approach evaluates the normative reasoning and institutional consequences of the disputed decision. This study concludes that the Ethics Council's Decision No. 2/MKMK/L/11/2023 constitutes an internal quasi-judicial ethics adjudication and not an administrative action resulting in public law consequences. Therefore, the decision does not meet the criteria for a State Administrative Decision, and the State Administrative Court lacks jurisdiction to overturn it. However, the court's ruling officially reinstates Anwar Usman as a Constitutional Court Justice and raises broader structural tensions regarding the autonomy of judicial ethics enforcement within Indonesia's constitutional system.

Keywords

Constitutional court, Constitutional court honorary council, Administrative court, Judicial ethics, Judicial independence

Introduction

The Unitary State of the Republic of Indonesia adheres to a legal system that guarantees the independent exercise of judicial power, as stipulated in the 1945 Constitution. The Constitutional Court is a high state institution that plays an important role in safeguarding Indonesia's constitutional legal system. This institution was established in 2003 as part of legal and constitutional reforms aimed at strengthening constitutional supremacy [1].

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The 1945 Constitution of the Republic of Indonesia, particularly Article 24C paragraphs (1) and (2), grants the Constitutional Court five important authorities: reviewing laws against the 1945 Constitution, resolving disputes over authority among state institutions whose powers are regulated by the Constitution, deciding on the dissolution of political parties, adjudicating disputes over election results, and providing legal opinions to the House of Representatives in cases of presidential or vice-presidential impeachment [2].

As stipulated in Article 15 of Law Number 7 of 2020 concerning the Constitutional Court and Article 24C paragraph (5) of the 1945 Constitution of the Republic of Indonesia, Constitutional Court judges must possess integrity, impeccable character, fairness, and statesmanship, as well as competence in constitutional matters [3]. Provisions concerning the ethics and conduct of Constitutional Court judges are regulated in Constitutional Court Regulation Number 09/PMK/2006, which establishes the Declaration of the Code of Ethics and Conduct for Constitutional Court Judges, known as the Sapta Karsa Utama [4].

Issues of integrity and ethics among Constitutional Court judges have often attracted public attention. One of the most prominent cases at the national level concerns Anwar Usman's position as a Constitutional Court judge, particularly following the issuance of Constitutional Court Honorary Council Decision Number 2/MKMK/L/11/2023 [5]. This decision was closely related to Constitutional Court Decision Number 90/PUU-XXI/2023, which addressed the age requirement for presidential and vice-presidential candidates in Indonesia [6]. As Chief Justice of the Constitutional Court, Anwar Usman was considered to have had a conflict of interest in deciding the case due to his familial relationship with vice-presidential candidate Gibran Rakabuming Raka, who is his nephew [7].

The decision prompted various parties to report Anwar Usman to the Constitutional Court Honorary Council for alleged violations of the judicial code of ethics. Based on Honorary Council Decision Number 02/MKMK/L/11/2023, Anwar Usman was removed from his position as Chief Justice of the Constitutional Court. In addition, he was prohibited from nominating himself as Chief Justice of the Constitutional Court until the end of his term as a constitutional judge. He was also barred from participating in the examination and adjudication of disputes concerning presidential and vice-presidential elections, legislative elections for the DPR, DPD, and DPRD, as well as regional head elections, where potential conflicts of interest may arise [8].

The design of Indonesian constitutional law establishes a clear separation between judicial ethics enforcement and administrative judicial review. Normatively, the internal disciplinary mechanism within the Constitutional Court is intended to safeguard judicial integrity without external interference, thereby preserving institutional independence. However, this normative structure was challenged when the ethical sanctions imposed on Anwar Usman by the Constitutional Court Honorary Council were annulled by the Jakarta State Administrative Court.

This development reveals a fundamental legal tension. On the one hand, constitutional theory limits the jurisdiction of the State Administrative Court to State Administrative Decisions. On the other hand, in practice, the State Administrative Court affirmed its competence to review an internal ethical decision of a constitutional judicial institution. This conflict exposes a gap between the normative limits of administrative jurisdiction and judicial practice.

From a doctrinal perspective, decisions of the Constitutional Court Honorary Council may be understood as internal quasi-judicial mechanisms rather than ordinary administrative decisions subject to review under administrative law. However, the State Administrative Court treated the decision as an object of review and annulment. This divergence raises unresolved constitutional questions: first, whether an ethical decision issued by a constitutional organ fulfills the doctrinal criteria of a State Administrative Decision; second, whether administrative judicial review may extend to internal ethical mechanisms of constitutional institutions without violating the separation of powers; and third, what institutional implications such review has for judicial independence.

Existing studies on Indonesian administrative law have widely discussed the concept of backchecking, while constitutional law literature has generally examined judicial ethics. However, there remains a doctrinal gap concerning the jurisdictional boundaries between constitutional ethics bodies and judicial administration within the Indonesian context. This article addresses this analytical gap by examining the legal nature of Honorary Council decisions and assessing the constitutional implications of administrative judicial intervention.

Method

This study employs a doctrinal legal research design, or normative juridical method, to examine the legal nature, normative structure, and jurisdictional implications of ethical adjudication within the Constitutional Court. This research is prescriptive-analytical in nature, as it not only describes applicable legal norms but also critically evaluates their coherence, hierarchy, and institutional compatibility within the Indonesian legal system.

This study applies three complementary approaches. First, the statutory approach is used to analyze regulations concerning the Constitutional Court, its internal ethical mechanisms, the authority of the State Administrative Court, and the doctrinal elements of State Administrative Decisions (*Keputusan Tata Usaha Negara* or KTUN). This approach is used to determine whether the disputed ethical decision can be classified as a state administrative action. Second, the conceptual approach examines administrative law doctrine, particularly the concept of *beschikking* or administrative decision, in Indonesian and comparative administrative law theory. This approach is linked to constitutional principles of separation of powers and judicial independence to assess the limits of institutional authority. Third, the case approach compares Constitutional Court Honorary Council Decision Number 2/MKMK/L/11/2023 and Jakarta State Administrative Court Decision Number 604/G/2023/PTUN.JKT by examining their

ratio decidendi, institutional assumptions, and normative interpretations. This comparison is used to evaluate the legitimacy and constitutional implications of administrative judicial intervention in internal ethical mechanisms of a constitutional judicial institution.

Results and discussion

This study finds that the Decision of the Constitutional Court's Honorary Council (Ethics Council) Number 2/MKMK/L/11/2023 is an internal ethics decision and not a State Administrative Decision (KTUN). Normatively and conceptually, the Ethics Council is not a state administrative body, and its decisions do not produce public legal consequences within the meaning of administrative law. Consequently, Ethics Council Decision Number 2/MKMK/L/11/2023 does not meet the legal criteria of backchecking and therefore falls outside the jurisdiction of the State Administrative Court. Based on this, the Jakarta State Administrative Court does not have the authority to overturn the Ethics Council decision.

This study further found that the Jakarta State Administrative Court's Decision No. 604/G/2023/PTUN.JKT has had a significant legal impact on Anwar Usman's institutional standing. Although the court did not reinstate him as Chief Justice of the Constitutional Court, the decision effectively restored his dignity, honor, and legal standing as a Constitutional Court Justice, allowing him to resume his judicial functions and responsibilities.

More fundamentally, this study reveals that the State Administrative Court's intervention in the realm of constitutional judicial ethics has resulted in broader systemic implications. By treating internal ethics decisions as objects of administrative adjudication, the PTUN's decision has weakened the autonomy and authority of the Constitutional Court's ethics enforcement mechanism, created structural vulnerabilities in judicial ethics governance, and created legal uncertainty within Indonesia's constitutional justice system.

Analysis of ethics council decision Number 2/MKMK/L/11/2023 concerning ethical sanctions against Anwar Usman revoked by PTUN decision Number 604/G/2023/PTUN.JKT

The judge plays a central role as the main pillar of the judiciary, which is people's hopes in realizing justice. As part of the power judiciary, the judge is responsible for receiving, checking, and deciding matters. In carrying out his authority, the judge is expected to give a fair decision that reflects the desires of the people who are looking for justice. Thus, the judge must carry out his duties with care, professionalism, and appropriateness with principles of justice that are objective and proportional [9].

Cases of judges violating code ethics often occur. One example is the case involving Anwar Usman, Chairman of the Constitutional Court, who is stated to have violated code ethics and the code of conduct for professional judges [7]. This case started with

reading officially on October 16, 2023, the Court Decision Constitutional No. 90/PUU-XXI/2023, which affirms that condition minimum age for nomination President and Vice President in Article 169 letter (q) of the Law Number 7 of 2017 concerning General Election, which states “ at least 40 (four twenty) years ;” in conditional contradictory with The 1945 Constitution of the Republic of Indonesia and not own strength binding law during No interpreted as “... or experienced as Regional Head at the level Province or Regency /City” [10].

Controversy appear because Decree No. 90/PUU-XXI/2023 opens possibility for Gibran Rakabuming Raka who is currently That 35 years old, mayor of Solo, for proceed as vice presidential candidate in 2024. Gibran is Anwar Usman's nephew. Relationship family This considered has cause conflict serious interest because Anwar, as Chairman Court Constitutional, continue lead trial, signing, and announcing decision without resign self or in a way open disclose conflict interest [11].

Potential This the more reinforced by violations laws and regulations, violations code ethics, and inconsistencies shown by the Court Constitutional Court Constitutional own authority for examine, judge and decide Case Number 90/PUU-XXI/2023 as case review conflicting laws with Constitution. In this process, the Court Constitutional has violates Article 17 Paragraph (4) of the Law Number 48 of 2009 concerning Judicial Power, which reads:

“Chief judge, assistant judge, prosecutor prosecutor, or clerk court must resign self from trial If they have connection blood or connection parents in law until degrees third, or connection husband wife although Already divorced, with defendant or lawyer” [12].

Provision this is also related with Article 17 Paragraph (5) of the Law about Power Judicial which reads:

“A judge or clerk court must resign self from trial If they have interest direct or No direct in current affairs tried, okay on will they Alone or on request parties involved in case said” [12].

Article 17 Paragraphs (4) and (5) in particular clear arrange obligations of the chief judge, assistant judge, prosecutor prosecutor, or clerk court for take position certain when handle cases involving connection family with parties in case or lawyer in case there is a relationship blood or bond family create potential big the occurrence of bias in the examination, trial and decision-making processes decision. Conflict interest This based on the principle of *nemo iudex in causa sua*, which is principle important to state that a judge does not proper For to judge related cases with his interests Alone [13].

Potential conflict interests and biases in the Court Constitutional the more reinforced by inconsistencies visible attitude in a number of case similar with Case Number 90/PUU-XXI/2023 [14]. In the case of Number 29/PUU-XXI/2023 from Party Indonesian Solidarity (PSI) and the Case Number 51/PUU-XXI/2023 from Garuda Party, which proposed application review judicial against Article 169 letter q of the Law Election, Court

Constitutional reject application the with reason its function as institution legislative negative. On the other hand, in Case Number 90/PUU-XXI/2023 with same party, the Court Constitutional in a way conscious and firm grant application the [2].

Before decision read, Anwar Usman made statement public at lectures general on September 9, 2023, which is considered support the decision that will be profitable his nephew. This action considered violate code ethics Because violate principle neutrality justice. His statement also sparked criticism from academics, practitioners law, and society that considers independence Court Constitutional threatened [15].

After decision read on October 16, 2023, three petition review judicial submitted related condition minimum age for candidate president and vice president. In the process of handling cases this, Chairman Court Constitution, Anwar Usman, mandatory attend Meeting Daily Meeting, however he roll call from a number of meeting in October-November 2023. The reasons given is condition health, illness, fatigue, and sleep after drink drug as recorded in opinion different Judge Saldi Isra. Anwar also stated that his absence related with potential conflict interest when asked by Judge Arief Hidayat. Absence This trigger controversy Because a number of party consider that reason This No replace obligation ethically ; if He feel No can behave fair and unfair taking sides, Anwar should resign self in a way firm [16].

The controversy that arose cause formation Assembly Honor Court Constitutional (Ethics Council) through the Chairman's Decree Court Constitutional Number 10 of 2023 [17]. Assembly Honor Court Constitutional (Ethics Council) itself is internal institutions in Court Constitutional Court (MK) which was formed based on Regulation Court Constitutional Number 1 of 2023 concerning Assembly Honor Court Constitutional. Regulations Court Constitutional Number 1 of 2023 explains that Court of Honor Council Constitutional is an organ established by the Court Constitutional Court (MK) with objective maintain and uphold tall dignity, honor, and behavior ethics of constitutional judges [18].

Honorary Council of the Constitutional Court evaluate that based on a series hearing from October 26th to early November 2023, the evidence and information presented show that Anwar Usman has do violation serious ethics, namely fail manage conflict interests, giving support public that raises biased perception, and failure attend trials important without reason ethics that can justified [13].

On November 7, 2023, the Honorary Council of the Constitutional Court in Decree No.02/MKMK/L/11/2023 decided that Anwar Usman was proven has do violation Serious to code ethics and dropping sanctions in the form of termination from his position as Chairman Court Constitutional and prohibit it nominate self or nominated until end of his term of office. Besides, neither did he allowed involved or participate in to judge case dispute results election potential government cause conflict interests. More continued, the Honorary Council of the Constitutional Court ordered the Deputy Chairman Court

Constitutional For stage election leadership new in 2x24 hours after decision read out [19].

In Ethics Council Decision Number 2/MKMK/L/11/2023, the sanctions imposed is termination from position Chairman Court Constitutional, because based on results investigation, concluded that Anwar Usman was proven has violate:

- a. Principle impartiality and integrity, because He No resign self from the inspection and retrieval process decision numbered 90/PUUXXI/2023 and provides lecture about clear youth leadership related close with substance ongoing cases checked;
- b. Principle Competence and Equality, because He No carry out function his leadership, violated principle Independence with on purpose open room for intervention party outside in the process of taking decision numbered 90/PUU-XXI/2023; and
- c. Principle Propriety and Courtesy, because He fail guard confidentiality information in deliberation justice closed [8].

Follow decision of the Honorary Council of the Constitutional Court, the Court Constitutional issued Decree No. 17 of 2023 on November 9, 2023, which appointed Suhartoyo as Chairman Court Constitutional, replacing Anwar Usman for period 2023-2028. Anwar Usman then sue decision at the Jakarta State Administrative Court, demanding that the decision the revoked, his good name restored, and his position as Chairman Court Constitutional returned [20].

The problem that then arises appear related with authority State Administrative Court (PTUN) for revoke Ethics Council Decree Number 2/MKMK/L/2023. Authority The State Administrative Court (PTUN) is the authority granted for check, decide, and complete dispute administrative matters arising from publishing decision administrative by the agency or officials administrative. In other words, the State Administrative Court has duties and authorities for handle cases related administrative matters close with dispute law between legal entities public or civil and government, both at the level center and area. System This based on the law Number 51 of 2009 concerning State Administrative Court.

Based on Article 1 point 10 of the Law Number 5 of 1986 concerning Court Administration as amended by law Number 9 of 2004 and Law Number 51 of 2009, " disputes administration" refers to disputes in realm state administration between individual or legal entity civil and institutional or officials state administration, both at the level center and area, which arises from publishing decision administration. This includes related disputes with problem personnel in accordance with provision Constitution This.

As arranged in Article 1 point (10) of the Law Court Administration, objects Court Administration is an Administrative Decision (beschikking). Definition of Administrative Decision based on the provisions of Article 1 point 9 are:

"Administrative Decision is determination written statement issued by the agency or officials administrative which contains action law administrative based on applicable

laws and regulations, which are concrete, individual, and final, and which has consequence law for somebody or legal entity”[21].

Article 2 of the Law Number 5 of 1986 concerning Justice The administration also stated that things following No including in Definition of Administrative Decision:

- a. State administrative decisions relating to with action law in the field of civil;
- b. Provision administrative nature normative and applicable general;
- c. Administrative decisions that have not been own strength law still because still wait agreement;
- d. Provision administrative issued based on the Criminal Code, Criminal Procedure Code, or other related regulations with law criminal;
- e. State administrative decisions arising from decision court in accordance with law;
- f. State administrative decisions regarding things administrative in scope Indonesian national army;
- g. Decisions issued by the Commission General Elections, both at the level of center and area, related with results election [22].

Based on the elements above, in Anwar Usman case, Decision No. 2/MKMK/L/11/2023 concerning Ethical Sanctions do not including in category “backchecking /KTUN” because No fulfil KTUN requirements. First, the Constitutional Court Honorary Council (Ethics Council) is not an agency/ official state administration, but rather institution internal ethics of the Court Constitutional which has authority for in a way independent to judge ethics of constitutional judges.

Constitutional Court's Honorary Council (Ethics Council) is an internal ethics body formed through Regulation Court Constitutional Number 1 of 2023. In conceptually, the authority of the Constitutional Court's Honorary Council limited to supervision and enforcement code ethics for constitutional judges, so that his decision No can positioned as product law administration. According to Article 1 point 9 of the Law Number 51 of 2009 concerning Justice Administration, decisions administration must in the form of decision written by an official state administration and have consequence law public. Ethics Council Decision Number 2/MKMK/L/11/2023 does not fulfil elements the Because only is internal and binding on the constitutional judges who are in office supervised [23].

Referring to the provisions of Article 2 of the Regulation Court Constitution Number 1 of 2023, Honorary Council of the Constitutional Court formed For uphold tall dignity, honor, and Code of Ethics and the Code of Conduct of Constitutional Court Judges [23]. Based on Regulation Court Constitution Number 2 of 2014, Court Constitution establish the Constitutional Court's Honorary Council as a functioning organ for guard honor and dignity of constitutional judges and for uphold tall code ethics they. This institution formed For follow up report suspicion violation serious actions taken by constitutional

judges, both those reported or suspected, as stated by the Ethics Board [24]. With so, good in a way normative and theoretically, can confirmed that the Ethics Council Decision Number 2/MKMK/L/11/2023 is not decision administrative but decision internal ethics.

Second, the position of the Constitutional Court's Honorary Council nature special Because only own authority for to judge violation ethics, not for produce decision administrative in the legal sense administration. Decisions issued by the Constitutional Court's Honorary Council is final and binding internally in organization Court Constitutional, so that the consequences only valid for constitutional judges related to ethical status and integrity they [25]. Characteristics This differentiate Ethics Council decision from decision administrative in accordance with Article 1 point 9 of Law No. 51 of 2009, which requires decision written from officials state administration that has consequence law public. The Ethics Council decision does not fulfil element This Because No create connection law public between citizens and government c but limited to ethics professional constitutional judges. Therefore that, the Ethics Council decision does not can classified as decision administrative and, with so, no can disputed through mechanism State Administrative Court.

Third, Article 2 paragraph (a) of the Law Court Administrative in a way explicit excludes “ Administrative Decisions which are action law civil law ” from jurisdiction Court Administrative, and ETHICS COUNCIL Decision No. 2/MKMK/L/11/2023 regarding Anwar Usman is results from the enforcement process code ethics of constitutional judges, which are carried out through trial, examination witness, assessment evidence, and verdict, all of which show that decision the is action internal court justice Constitution, not action administrative [22].

Based on the description above, can concluded that The Jakarta State Administrative Court does not have authority law For annuls the Decision of the State Administrative Court Number 2/MKMK/L/11/2023. The Panel Honor Court The State Administrative Court is an internal body of the State Administrative Court which was formed based on Article 27a (1) of the Law State Administrative Court and regulated in a way details in Regulation State Administrative Court Number 1 of 2023, with function uphold code ethics for constitutional judges, not affairs government administrative position Assembly Honor The State Administrative Court is special Because only have authority For to judge violation ethics, not For produce decision administrative in the legal sense administration, so that No fulfil definition of Administrative Decision (KTUN) in Article 1 point 9 of Law Number 5 of 1986 in conjunction with Law No. Number 51 of 2009.

Systematically referring to Article 1 number 9 of the PTUN Law, a State Administrative Decision (KTUN) must be individual, concrete, and final, resulting from the executive's administrative function. However, the Honorary Council's decision is a quasi-judicial act. The council does not function as a state administrative body, but rather as an organ of constitutional integrity. The assessment of a judge's "statesmanlike" qualities is a

subjective-ethical peer review process, not an objective administrative action subject to review by a general state administrative court.

Impact of court decisions administrative number 604/G/2023/PTUN.JKT against Anwar Usman's position as a constitutional judge

Jakarta State Administrative Court issued Decision Number 604/G/2023/PTUN.JKT, which begins from Anwar Usman's lawsuit against the Court's decision Constitution Number 17 of 2023 concerning appointment Suhartoyo as Chairman Court Constitution period 2023-2028. Object The lawsuit filed by Anwar Usman is a Court Decision Constitution Number 17 of 2023, which according to him No can separated from ETHICS COUNCIL Decision Number 2/MKMK/L/11/2023 [26].

Based on lawsuit filed by Anwar Usman to The Jakarta State Administrative Court, on February 20, 2024, through the State Administrative Court Decision Number 604/G/2023/PTUN.JKT, decided for grant part from Anwar Usman's lawsuit, namely: First, to revoke the Court's Decision Constitution Number 17 of 2023 concerning appointment of Dr. Suhartoyo, SH, MH as Chairman Court Constitution 2023-2028 period. The Jakarta State Administrative Court explained that appointment Suhartoyo as Chairman Court Constitution No legitimate due to the Court's Decision Constitution Number 17 of 2023 does not issued after moreover formerly revoke Decree Number 4 of 2023 concerning the appointment of Anwar Usman as Chairman Court Constitution, which causes overlapping overlap law and uncertainty law [27].

Ethics Council Decision Number 2/MKMK/L/11/2023, which became base replacement said, no revoke the decision to appoint Anwar Usman, in accordance with with Article 68 of the Law Number 30 of 2014, which states:

- a. A decision will end If:
 - Validity period has end;
 - Has been revoked by the Official The competent government;
 - The cancellation has determined by the authorized official or decided through court;
 - This matter arranged in Constitution [28].

Second, to return his dignity and honor as a Constitutional Judge like previously. The Jakarta State Administrative Court stated that action Court Constitution in pointing Jimly Asshidiqie as Chairman / Member of the Honorary Council of the Constitutional Court, temporarily He Still registered as members of the Regional Representative Council of the Republic of Indonesia [27], violated procedure in accordance with Article 302 of the Republic of Indonesia Law Number 17 of 2014:

(1) " DPD members do not allowed concurrent position like state officials, judges, civil servants, members of the TNI/ Polri, or employees of state-owned enterprises, regional-owned enterprises, or other institutions funded by the APBN/APBD." [29].

Jakarta State Administrative Court decided that Jimly Appointment and placement Asshidiqie as member active members of the Regional Representative Council of the Republic of Indonesia are valid. More Far again, holding position duplicate in one state institutions are description institutional Honorary Council of the Constitutional Court as institutions that enforce ethics of court judges Constitutional, which is not designed with good, organized with strong, or professional as institution ethics [27].

Refers to the consideration of two issues main related with positions and procedures examination by the Assembly Honor Court Constitutional (Ethics Council) in case This, the Jakarta State Administrative Court is of the opinion that the issuance of Ethic Council Decree Number 2/MKMK/L/11/2023 is proven deviate from and/ or violate provision procedure in accordance with Regulation Court Constitutional Number 1 of 2023. Therefore that, in a way law, the Jakarta State Administrative Court decided For accept Anwar Usman's application and return the dignity and honor of Anwar Usman as a Constitutional Judge [27].

However, the Jakarta State Administrative Court also rejected it. Anwar Usman's request for lifted return as Chairman Court Constitution. The Jakarta State Administrative Court decided that, from perspective substantive, the issuance of Decree Number 17 of 2023, which is implementation of Ethics Council Decree Number 2/MKMK/L/11/2023 in the case, is based on the principles laws and regulations, and that in essence, consensus The Plenary Session of the Constitutional Court Judges has pointing The new Chief Justice of the Constitutional Court [27].

Jakarta State Administrative Court also ordered that Decision Number 17 of 2023 be amended. For enter revocation of Decree Number 4 of 2023 concerning the appointment of Anwar Usman as Chairman Court Constitutional, and then lift Suhartoyo as Chairman Court Constitutional For period 2023-2024. With Thus, the Jakarta State Administrative Court rejected Anwar Usman's request regarding return his position as Chairman Court Constitutional For period 2023-2028 [27].

The Impact of Decision Number 604/G/2023/PTUN.JKT on Anwar Usman's position is very significant, namely in form recovery his dignity and honor as a Constitutional Court Judge. Therefore that, Anwar Usman can continue his duties and obligations in the Court Constitutional like previously. Chairman Court Constitutional, Suhartoyo, state in studying public at Ahmad Dahlan University on August 30, 2025, that Anwar Usman has chance for return to his position as Chairman Court Constitutional. This is because the ETHICS COUNCIL Decision Number 2/MKMK/11/L/2023 only state Anwar Usman's dismissal from position Chairman Court Constitutional Because proven do violation ethics, but No pull out his rights for return take office as Chairman Court Constitutional.

Writer own different opinions. According to writer, important for noted that although The Jakarta State Administrative Court has return dignity and honor of Anwar Usman as a Constitutional Judge, in fact, Anwar Usman has proven do violation serious ethics.

Referring to Article 24C paragraph (5) of the 1945 Constitution, the requirements general appointment as a judge of the Court Constitutional is “ A constitutional judge must have integrity height and perfect character, behave fair, have Spirit statehood, understanding constitution and state system, and is prohibited occupy other state positions” [30]. This article in a way explicit set high moral and professional standards as condition absolute for guard trust public to institution the judiciary, which plays a role role important in system Indonesian constitutional law.

Related the case of Anwar Usman, which was declared guilty do violation ethics serious, found a number of conflicting violations with provisions this, namely:

- a. Principle impartiality and integrity violated with No resign self from the inspection and retrieval process decision in case No. 90/PUU-XXI/2023, while also providing lecture about youth leadership which is direct related with ongoing cases handled;
- b. Principle competence and equality ignored Because He No operate role his leadership with right and wrong principle independence with let influence external enter to in the process of taking decision in case No. 90/PUU-XXI/2023.
- c. Principle propriety and ethics are also violated Because they fail guard confidentiality information and statements in the judges' deliberation forum, which should be closed [8].

Remember violations committed by Anwar Usman, the author have an opinion that Anwar Usman must dismissed in a way No respect from his position as Chairman Court Constitutional and not may Again take office as Chairman Court or Constitutional Judge. This is important for guard No only the credibility of individual judges, but also the Court Constitutional in a way overall as the main pillar supremacy law and constitution in Indonesia.

The PTUN's intervention ignores the theory of separation of powers. Under the doctrine of judicial independence, the judiciary must have the autonomy to discipline its own members (*judicial self-governance*). Allowing a lower-level state administrative court to overturn ethical sanctions from a higher constitutional body creates a dangerous subordination that undermines the dignity of the Constitutional Court.

Judicial ethics supervision in a way comparative and judicial review administration

Practice state administration comparative show that court constitution in general maintain autonomy institutional in matter discipline and ethics internal. Court administration in various jurisdiction No given authority for review decision internal ethics towards constitutional judges.

In Germany, the Federal Constitutional Court of Germany occupies autonomous position in a way constitutional and separate from justice administration normal. Problems discipline against constitutional judges arranged internally or through procedures prescribed by the constitution, and not subject to review by the courts administration.

Providing authority review the potential bother balance hierarchy that has been designed in Basic Law (Basic Law) [31].

Likewise, the Constitutional Court of Korea maintained internal control over ethics justice. Although available mechanism impeachment through National Assembly, no there is a judicial body administration that has authority For cancel decision ethics Constitutional Court [32].

In the United States, the Supreme Court of the United States operates without review administrative external to problem ethics. Mechanism accountability nature politics (through impeachment) or arranged internally. The absence supervision administrative the reflect commitment structural to independence taking decisions and independence institutional [33].

Comparative examples This show existence principle the same constitutional, namely that mechanism ethics internal justice is seen as form arrangement self-institutional self-regulation, not as part from governance state administration. Therefore that, the mechanism the be outside jurisdiction court administration. Intervention justice administration in Indonesia with thus is deviation from practice state administration common comparative applies.

Conclusion

The Jakarta Administrative Court's decision No. 604/G/2023/PTUN.JKT is a legal anomaly that exceeds its jurisdiction. The Honorary Council's decision is an instrument of constitutional integrity, not merely an administrative action. Without clear jurisdictional boundaries and legislative amendments to the Constitutional Court Law, Indonesia's judicial independence will remain vulnerable to legalistic attempts to avoid moral accountability. This study concludes that Ethics Council Decision No. 2/MKMK/L/11/2023 cannot be classified as a State Administrative Decision (KTUN) because it is an internal ethics decision issued by a quasi-judicial body within the Constitutional Court. Consequently, the Jakarta State Administrative Court (PTUN) lacks the legal authority to review or overturn the Ethics Council decision, as it falls outside the scope of administrative law. Although PTUN Decision No. 604/G/2023/PTUN.JKT officially restores Anwar Usman's dignity and status as a Constitutional Court Judge, it does not negate the serious ethical violations that have been proven. In substance, these violations remain inconsistent with the constitutional standards of integrity, impartiality, and independence required for constitutional judges under Article 24C paragraph (5) of the 1945 Constitution.

Therefore, this study argues that formal legal rehabilitation through administrative court mechanisms should not override ethical accountability. Allowing administrative courts to intervene in the enforcement of internal judicial ethics risks undermining judicial independence and weakening the integrity of the Constitutional Court as the guardian of constitutional supremacy.

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