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## **ENFORCING STATE ETHICS: QUO VADIS LAW ON ETHICS OF STATE OFFICIALS**

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### **ABSTRACT**

*Various ethical violations committed by state officials today are very concerning. In fact, there has been a legal product in the form of MPR Decree No. VI/MPR/2001 concerning the Ethics of National Life (MPR Decree No. VI/MPR/2001) which should be used as a guiding star. Unfortunately, the existence of MPR Decree VI/MPR/2001 is almost forgotten and unaware of its existence. This research aims to examine the existence of MPR Decree VI/MPR/2001 and the idea of forming the Law on Ethics of State officials. The research method used is normative legal research, using a legislative approach and a conceptual approach. The results of the study show that the weak binding force of the MPR Decree as a legal product in the hierarchy of laws and regulations and the absence of an effective supervision and enforcement mechanism have implications for the neglect of the MPR Decree, which in this case includes the provisions regulated in the MPR Decree VI/MPR/2001. Reflecting on these conditions, it is necessary to regulate the issue of the ethics of state officials in a Law on Ethics of State officials to ensure the administration of the state based on moral and ethical values. The existence of the Law on Ethics of State officials will later regulate the code of ethics and code of conduct of state officials, as well as regulate an independent external ethics supervisory institution in the form of the State Officials Ethics Court.*

**Keywords:** *Ethics; State Officials; MPR Decree*

### **1. INTRODUCTION**

State officials in carrying out their duties and obligations are not only limited to legal norms that regulate the actions they can and cannot take. More than that, since the post-modern era that criticized the failure of the modernism paradigm in advancing civilization and uplifting human dignity.<sup>1</sup> The starting point again departs from the non-legal aspect or what can be likened to the field where the law is found, namely ethics. "Law floats in a sea of

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<sup>1</sup> Kosmas Sobon & Timoteus Ata Leu Ehaq, "KRITIK POSTMODERNISME TERHADAP ETIKA MODERN" (2021) 4:2 Jurnal Filsafat Indonesia 132–141.

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ethics", is how the Chief Justice of the Supreme Court of the United States (1953 – 1969), Earl Warren, described the relationship between ethics and law.<sup>2</sup>

This can be evidenced by the development of internalization of ethical norms in each institution and state institution which is parallel to the existence of legal norms.<sup>3</sup> For example, in the scope of the judiciary, judges under the Supreme Court (MA) have the Honorary Council of Judges in the enforcement of the code of ethics, then the Honorary Council of Election Organizers (DKPP) in the enforcement of the code of ethics for the implementation of elections, then the newly formed Honorary Assembly of the Constitutional Court (MKMK) to decide alleged ethical violations of Constitutional Court judges and various other ethical enforcement institutions.

The implementation of ethics-based governance must be used as a guiding star in the midst of an ethical crisis that is rooted in various state organizing institutions. In fact, there has been a legal product in the form of The People's Consultative Assembly Decree (MPR Decree) No. VI/MPR/2001 concerning the Ethics of National Life (MPR Decree VI/MPR/2001). Unfortunately, the existence of MPR Decree VI/MPR/2001 is almost forgotten and unaware of its existence. Moreover, the MPR Decree is a legal regulation and occupies the second position in the hierarchy of laws and regulations so that it has binding legal force.

Various ethical violations committed by current state officials such as the case of former official of the Directorate General of Taxes Rafael Alun who was proven to have hidden assets and did not comply with paying taxes, the Chief Justice of the Constitutional Court who was proven to have committed ethical violations due to a conflict of interest so that he was removed from his position as Chief Justice of the Constitutional Court, the Chairman of the General Election Commission (KPU) who also repeatedly committed ethical violations until finally being fired, Presidents who favor certain candidates in the 2024 General Election yesterday, state officials who campaign using state facilities, and the misuse of the state budget that benefits certain presidential candidate pairs, have proven the nullity of

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<sup>2</sup> Muhammad Yasin, "Hukum Mengapung di Samudera Etika", (20 November 2019), online: <https://www.hukumonline.com/berita/a/hukum-mengapung-di-samudera-etika-lt5dd3685adbf78/>.

<sup>3</sup> Fradhana Putra Disantara, Bayu Dwi Anggono & Aan Efendi, "Establishing Ethical Norms: Dignified Justice Theory Perspectives on Ethics and Legal Relations" (2022) 10:1 Rechtsidee.

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the role of TAP VI/MPR/2001 or can be said to be "asleep". So, does the MPR Decree still exist and is the Law on Ethics of State Officials necessary?

## **2. RESEARCH METHODS**

The type of research used in this study is normative legal research. The method or data collection technique used in this study is a literature study. This method is carried out by conducting an inventory and studying library data in the form of laws and regulations, books, journals, articles, documents and official websites.<sup>4</sup> This research uses two approaches, namely the legislative approach and the conceptual approach.<sup>5</sup> The legislative approach is aimed at unraveling juridical aspects related to the position of the MPR Decree and ethics in the administration of the state. Then, the conceptual approach is aimed at analyzing concepts, principles, and theoretical aspects in the enforcement of state ethics, especially the concept of regulating ethics enforcement in a legal document. The data analysis technique used in this study is descriptive analysis and uses evaluation methods.

## **3. ANALYSIS AND DISCUSSION**

### **The People's Consultative Assembly Decree Number VI/MPR/2001 Concerning the Ethics of National Life in the Framework of State Governance**

Before the amendment to the 1945 Constitution, the People's Consultative Assembly (MPR) was considered a representation of the people's sovereignty. The MPR is a place where the President must submit and take responsibility for everything that has been done and done. Before the amendment of the 1945 Constitution, it was clearly stated that "the President is submissive and responsible to the MPR". Based on the 1945 Constitution, the MPR is the highest state institution that holds the sovereignty of all Indonesia people.<sup>6</sup> Thus, the legal product of the MPR, namely the Decree of the MPR/S, has a higher position than

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<sup>4</sup> Amiruddin & Zainal Asikin, *Pengantar Metode Penelitian Hukum*, 10th ed (Jakarta: PT. Raja Grafindo Persada, 2006).

<sup>5</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, 4th ed (Jakarta: Kencana Prenada Media Group, 2008).

<sup>6</sup> Deny Noer Wahid, Isdian Anggraeny & Samira Echaib, "The Urgency of Returning the People's Consultative Assembly Authority in Determining the Outlines of the Nation's Direction" (2023) 38:3 Yuridika 539–564.

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the legal products issued by other high state institutions. Based on this fact, the Decree of the MPR/S has a higher hierarchical position compared to other laws/forms of regulations.

Coinciding on May 21, 1998, President Soeharto officially announced his resignation as President of the Republic of Indonesia. Following the statement of stopping, several demands emerged from the community. One of the many demands that exist is the amendment of the 1945 Constitution. One of the changes when the 1945 Constitution was amended was the change in the reading of Article 1 paragraph 2, which was originally "Sovereignty is in the hands of the people and is carried out entirely by the People's Consultative Assembly," to, "Sovereignty is in the hands of the people and is carried out in accordance with the Constitution." This change in the sound of Article 1 paragraph 2 has caused a fundamental change, namely making the MPR no longer the highest institution of the state, and the 1945 Constitution becoming the highest law that becomes a guideline/guideline for all Indonesia people.<sup>7</sup>

Such a position of the MPR has implications for the position of the MPR Decrees in the hierarchy of laws and regulations. The Decree of the MPR is included in one of the types and hierarchies of Laws and Regulations under the 1945 Constitution, while in Law No. 10 of 2004, the Decree of the MPR is revoked so that the Decree of the MPR is not included in the type and hierarchy of Laws and Regulations, but in Law No. 12 of 2011, the Decree of the MPR is again included as one of the types and hierarchies of Laws and Regulations after the 1945 Constitution.

Looking at the historical context of the existence of the MPR Decrees until now, in the explanation of Article 7 paragraph (1) letter b of Law Number 12 of 2011 concerning the Formation of Laws and Regulations (UU P3) states that:

"The Decree of the Provisional People's Consultative Assembly and the Decree of the People's Consultative Assembly that are still in force as referred to in Articles 2 and 4 of the Decree of the People's Consultative Assembly of the Republic of Indonesia Number I/MPR/2003 concerning the Review of the Material and Legal Status of the Decree of the Provisional People's Consultative Assembly and the Decree of the People's Consultative Assembly from 1960 to 2002, dated August 7, 2003."

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<sup>7</sup> Sulardi Wijaya, "Problematic MPR Decree Post Reform and After The Issuance of Law No. 12 of 2011" (2015) 2:1 Rechtsidee 53–64.

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MPR Decree VI/MPR/2001 is one of the MPR Decrees that still exist today out of a total of 14 MPR Decrees. Although in other studies related to enforceability, currently only 6 MPR Decrees are left that have enforceability.<sup>8</sup> This is because some of the MPR Decrees has been implemented. If you look broadly at the content of MPR Decree No. VI/MPR/2001, the existence of the MPR Decree *a quo* has the purpose of strengthening the ethical position of the life of a nation that has experienced setbacks that have also caused a multidimensional crisis.<sup>9</sup> This can be seen from prolonged social conflicts, reduced manners and virtue in social interactions, weakening honesty and trustworthiness in the life of the nation, neglect of the provisions of laws and regulations, and so on caused by various factors originating from both within and outside the country.

In the MPR Decree *a quo* what are the ethical points of national life that refer to the ideals of unity and unity, resilience, independence, excellence and glory, as well as environmental sustainability imbued with religious values and noble values of the nation's culture. The principles of ethics in the life of the nation prioritize honesty, trust, exemplary, sportsmanship, discipline, work ethic, independence, tolerance, shame, responsibility, maintaining honor and dignity as citizens of the nation. The description of the Ethics of National Life is as follows:

a. Social and Cultural Ethics

Social and Cultural Ethics is based on a deep sense of humanity, by showing an attitude of honesty, caring, mutual understanding, respect, love, and helping between fellow humans and citizens. In line with this, the culture of shame must be re-instilled, namely shame when making mistakes and actions that are contrary to religious morals and the noble values of the nation's culture. In addition, an exemplary culture also needs to be developed and realized through the behavior of leaders, both those who have formal and informal positions at every level of society.

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<sup>8</sup> Dian Agung Wicaksono, "Implikasi Re-Eksistensi Tap Mpr dalam Hierarki peraturan perundang-Undangan terhadap Jaminan atas Kepastian Hukum yang adil di Indonesia" (2016) 10:1 Jurnal Konstitusi 143–178.

<sup>9</sup> Mohammad Zulfan Tadjoeuddin et al, "Inequality and violent conflict: new evidence from selected provinces in Post-Soeharto Indonesia" (2021) 26:3 J Asia Pac Econ 552–573.

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This ethics aims to rebuild the life of a highly cultured nation by appreciating, respecting, and developing national culture derived from regional culture. This is important so that the nation can adapt, interact with other countries, and be proactive in facing the challenges of globalization. Therefore, it is necessary to appreciate and apply the correct religion, adaptability, as well as the resilience and creativity of community culture.

b. political and Government Ethics

Political and Government Ethics aims to create a clean, efficient, and effective government and build a democratic political atmosphere, characterized by openness, a sense of responsibility, sensitivity to the aspirations of the people, respect for differences, honesty in competition, readiness to receive better opinions, and upholding human rights and the balance between rights and obligations in the life of the nation. Government ethics requires that state officials have a high sense of concern in providing services to the community and are willing to resign if they feel that they violate norms and value systems or are considered incapable of carrying out the mandate of the community, nation, and state. This ethics is reflected in a polite, tolerant, non-pretentious, non-arrogant, shunning hypocrisy, and not committing public lies, manipulation, or other uncommendable behavior.

c. Economic and Business Ethics

Economic and Business Ethics aims to create economic and business principles and behaviors, both by individuals, institutions, and policymakers in the economic sector, to create economic conditions that are colored by honest and fair competition. This ethic also encourages the development of work ethic, economic resilience, competitiveness, and the creation of an environment conducive to economic empowerment that favors small communities through sustainable policies. In addition, this ethics serves to prevent monopolistic practices, oligopolys, and economic policies that have the potential to cause corruption, collusion, and nepotism. Thus, economic and business ethics reject all forms of discrimination that can interfere with efficiency, healthy competition, and fairness, and avoid actions that justify all means for profit.

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d. Fair Law Enforcement Ethics

The Ethics of Fair Law Enforcement aims to raise awareness that social order, tranquility, and order of coexistence can only be achieved through obedience to laws and regulations that favor justice. All legal rules that ensure the upholding of supremacy and legal certainty must be in line with efforts to fulfill the sense of justice that exists and develops in society. This ethics demands fair law enforcement, equal and non-discriminatory treatment of every citizen before the law, as well as preventing the abuse of the law as a tool of power and various other forms of legal manipulation.

e. Scientific Ethics

Scientific ethics aims to uphold the values of humanity, science, and technology so that every citizen of the nation can maintain their dignity and dignity, as well as side with the truth in order to achieve benefits and progress in accordance with religious and cultural values. This ethics is manifested both individually and collectively through ideas, creations, and works, which are reflected in creative, innovative, inventive, and communicative behavior in reading, learning, researching, writing, working, and creating an atmosphere conducive to the development of science and technology. Scientific Ethics emphasizes the importance of a culture of hard work by respecting and utilizing time, being disciplined in thinking and acting, and fulfilling one's promises and commitments to achieve the best results. In addition, this ethics encourages the ability to face various obstacles, obstacles, and challenges in life, turn challenges into opportunities, foster creativity to create new opportunities, and have resilience and an unyielding spirit.

f. Environmental Ethics

Environmental ethics emphasizes the importance of awareness and responsibility of each individual and society collectively in respecting and preserving the environment. This principle affirms that the balance of the ecosystem must be maintained, not only by utilizing natural resources, but also by considering the long-term impact of any human activity. Environmental conservation is a shared responsibility that involves all levels of society. In addition, sustainable and



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responsible spatial planning is essential in the application of this ethics. In infrastructure development, for example, the impact on the ecosystem and the welfare of local communities must be considered. By raising awareness of the importance of the environment, wise decisions can be encouraged, such as reducing the use of single-use plastics and supporting sustainability policies. If this awareness is applied in daily life, then significant positive changes for the survival of future generations can be achieved.

Broadly speaking, MPR Decree No. VI/MPR/2001 is a sacred guide that contains guidelines as a compass for state administration so as not to fall into the abyss of ethical violations. Of course, if state officials comply with and implement the contents of the MPR Decree *a quo*, there will undoubtedly be no ethical practices in Indonesia. However, the facts say otherwise. The weak binding power of the MPR Decree even as a legal product directly under the constitution has implications for the non-enforcement of ethical principles by the incumbents. In addition, although the MPR Decrees regulates various aspects of the state, there is no effective supervision mechanism to ensure the enforcement of existing provisions, so many are neglected.<sup>10</sup> This can be seen from the massive ethical violations by government officials, especially some time ago. For example, the Chief Justice of the Constitutional Court who was proven to have committed ethical violations due to a conflict of interest so that he was removed from his position as Chief Justice of the Constitutional Court, the Chairman of the General Election Commission (KPU) who also repeatedly committed ethical violations until finally being fired, the President who sided with certain candidates in the 2024 election yesterday, state officials who campaigned using state facilities, and the abuse of the state budget that benefited the candidate pairs certain presidents.

The condition of state officials who ignore ethics in Indonesia is currently very concerning. In many cases apart from the cases mentioned above, the practice of corruption, nepotism, and abuse of authority has become commonplace, creating a negative impact on

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<sup>10</sup> Wijaya, *supra* note 7.



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public trust in state institutions.<sup>11</sup> This shows that improvements in integrity and accountability among state officials are not only needed, but also urgent that justice and transparency can be upheld for the welfare and progress of the nation. Based on these worrying conditions, it is necessary to examine the idea of positive ethics in a law on ethics for state officials.

### **Enforcing Ethics in the Law on Ethics for State Officials**

Etymologically, "ethics" is an absorption of the Ancient Greek word "*ethos*" which in a singular form has various meanings such as: ordinary dwelling, meadow, kendang, customs, customs, morals, dispositions, feelings, attitudes, and ways of thinking. In the plural form, it means customs and habits related to human actions or behavior. Immanuel Kant as one of the most famous modern philosophers in his book *Grundlegung* said that ethics deals with the laws of moral action. All these laws are elements a priori (non-empirical elements) and a science of morality (*Sittenlehre*).<sup>12</sup> Sometimes there is confusion between the use of ethics and morals because the use of the two words is often juxtaposed. Moral comes from the Latin word "mos" which has the plural form "mores" which also means custom or custom. Although etymologically these two words have the same definition, there are differences. Morality is the teaching of what is good and should be done and about what is bad, and that man should avoid. Meanwhile, ethics is a branch of philosophy that examines morals and questions the rational basis of existing moral systems.<sup>13</sup> It can be understood that ethics is a critical reflection on the existence of morality.<sup>14</sup> Ethics does not produce good directly like morals, ethics teaches how humans must take a responsible stance when faced with moral teachings.<sup>15</sup>

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<sup>11</sup> Hamdan Rampadio, Ana Fauzia & Fathul Hamdani, "THE URGENCY OF ARRANGEMENT REGARDING ILLICIT ENRICHMENT IN INDONESIA IN ORDER TO ERADICATION OF CORRUPTION CRIMES BY CORPORATIONS" (2022) 9:2 Jurnal Pembaharuan Hukum 225–241.

<sup>12</sup> Simon Petrus Lili Tjahjadi, *Hukum Moral: Ajaran Immanuel Kant Tentang Etika dan Imperatif Kategoris* (Yogyakarta: Kanisius, 1991).

<sup>13</sup> Frans Magnis Suseno, *Etika Dasar Masalah-Masalah Pokok Filsafat Moral* (Yogyakarta: Kanisius, 1993).

<sup>14</sup> Frans Magnis Suseno, *Filsafat Sebagai Ilmu Kritis* (Yogyakarta: Kanisius, 1992).

<sup>15</sup> Widodo Dwi Putro, *Etika Profesi Hukum*, 1st ed (Jakarta: Kencana, 2023).

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Reflecting on the current state administration conditions, the big question in front of us is whether it is necessary to regulate ethics in a law? Especially in the form of the Law on Ethics of State officials? Before further answering this big question, the first thing that needs to be clarified is what is meant by state officials. If referring to Article 1 paragraph (1) of Law Number 28 of 1999 concerning State officials who are clean and free from Corruption, Collusion and Nepotism, the definition of state officials is "State Officials who carry out executive, legislative, or judicial functions and other officials whose main functions and duties are related to the administration of the state in accordance with the provisions of applicable laws and regulations".

Legislation policies to regulate the ethics of state officials actually exist with the inclusion of the Bill on Ethics for State Officials in the 2009-2014, 2014-2019, and 2020-2024 priority national legislation. Although it has been repeatedly included in every national legislation, until now there is no academic manuscript or official draft issued by the government or the House of Representatives. Until the end of the current term of office of the government and the House of Representatives, there is still no clarity regarding the fate of the Bill on Ethics for State Officials. The government and the House of Representatives should provide certainty when the Bill on Ethics for State Officials can be included in the annual priority national legislation.<sup>16</sup> It is still a mystery what is hindering efforts to uphold ethics as a compass to guide public office holders to carry out their obligations and responsibilities.

For many years, law and development have played a crucial role in driving rapid, dynamic changes in public perspectives.<sup>17</sup> The reason for the need to regulate the ethical issue of state officials in a law is to ensure the administration of the state based on moral and ethical values.<sup>18</sup> State officials, including public officials, legislative, executive, judicial, and other state institutions, have a great responsibility in realizing good governance and fair, transparent, and accountable state governance. The Law on Ethics of State Officials also aims

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<sup>16</sup> Rofiq Hidayat, "Perlu Kejelasan Nasib RUU Etika Penyelenggara Negara", (20 November 2020), online: <https://www.hukumonline.com/berita/a/perlu-kejelasan-nasib-ruu-etika-penyelenggara-negara-lt5face9716b99a/?page=1>.

<sup>17</sup> Bagus Hermanto, "Deliberate legislative reforms to improve the legislation quality in developing countries: case of Indonesia" (2023) 11:1 The Theory and Practice of Legislation 1–31.

<sup>18</sup> Matúš Mesarčík, Juraj Podroužek & Adrián Gavorník, "On defense of 'ethification' of law: How ethics may improve compliance with the EU digital laws" (2023) 50 Computer Law & Security Review 105852.

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to form a clean and authoritative government based on ethical values derived from the nation's philosophy of life. The affirmation of ethical arrangements for state officials in the form of laws also represents the spirit to realize a government that is not only about the rule of law, but also the rule of ethics.<sup>19</sup>

So far, indeed in various agencies and state organizing institutions, there has been a code of ethics and ethics enforcement agencies to ensure that every action taken is within the corridor of ethics and morality as stated in Pancasila and the 1945 Constitution of the Republic of Indonesia. However, it has not been felt effective in preventing various irregularities or abuses of power carried out by state administration apparatus at various levels. The code of ethics is only a mere formality without ever being evaluated whether there is tension or contradiction between various code of ethics documents.<sup>20</sup> The current ethical institution is still diverse, partially not yet a special institution like the court to enforce the law for state officials. Therefore, it is felt that firmer and more authoritative regulation is needed in the form of the Law on Ethics of State Officials.

The existence of the Law on Ethics of State officials will not only regulate the code of ethics and code of conduct of state officials, but also need to form non-adhoc and external supervision to supervise the behavior of state officials so that they do not deviate and violate their code of ethics. So far, supervision of the behavior of state officials has been carried out by an ethics committee that is ad hoc and internal.<sup>21</sup> Internal supervision of the ethics committee is important, but supervision by an independent body that is external is very necessary.

If we look at the ideas that are developing related to independent supervision by external institutions, there is an idea about the establishment of the State Official Ethics Court. Later, the institutional concept of the Ethics Court needs to stand alone so that it becomes the only institution that has the authority to adjudicate and enforce ethics. The idea of establishing the Ethics Court of State Officials and the term ethical accountability is a

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<sup>19</sup> Elsa Rina Maya Toule, "Rule of Law and Rule of Ethic in Law Enforcement in Indonesia" (2022) 28:1 SASI 56–67.

<sup>20</sup> Diane L Odeh, "Professional Codes of Ethics for Public Administrators: What Are They Really Telling Us?" (2024) 26:2 Public Integrity 143–155.

<sup>21</sup> Sumarno, "Urgensi UU Etika Penyelenggara Negara" (2022) 1:1 KAIS Kajian Ilmu Sosial 1–15.

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terminology introduced by Jimly Asshiddiqie.<sup>22</sup> The development of the ethical system of the nation and state in Indonesia is important considering that the majority of its people idealize a moral and noble life.<sup>23</sup> Whittington even went further into the ethics of government. He introduced what is called constitutional ethics in his article entitled "On the Need for a Theory of Constitutional Ethics", he said "a theory of constitutional ethics assumes that politics cannot be excluded from the constitutional order".<sup>24</sup>

The existence of the State Officials Ethics Court is important in the modern state administration system considering that the potential for abuse of authority and ethical violations by state officials is very large.<sup>25</sup> The executive power exercised by the president and his staff by the constitution is given the authority to govern affairs with all the authority it has. Legislative powers are given to parliament with the authority to make laws. Judicial power with authority in the judicial field is also very powerful in carrying out judicial power.<sup>26</sup> Such vast powers need to be monitored to avoid abuse of power. The accountability of state officials is not only legally responsible, but there is an ethical accountability mechanism.

The design of this institutional unification is rooted in several key considerations. First, the ethical enforcement agencies currently dispersed across various state institutions have been questioned for their independence, as they are integrated within state-organizing bodies, which affects public trust and the legitimacy of their decisions. Therefore, the unification into a single State Officials Ethics Court aims to establish consistency in the codes of ethics and conduct for state officials, while simultaneously removing psychological barriers that often make officials reluctant to be overseen by other institutions. Second, this unification seeks to complement the existing law enforcement institutions. While there are already courts to prosecute state officials for legal violations, the State Officials Ethics Court is intended to uphold ethical standards, thereby reinforcing the credibility and authority of state officials.

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<sup>22</sup> Jimly Asshiddiqie, "Memperkenalkan Peradilan Etika" (2021) 1:1 Jurnal Konstitusi dan Demokrasi 1–8.

<sup>23</sup> Jimly Asshiddiqie, *Peradilan Etik dan Etika Konstitusi: Perspektif Baru tentang Rule of Law and Rule of Ethics & Constitutional Law and Constitutional Ethics* (Jakarta: Sinar Grafika, 2022).

<sup>24</sup> Keith E Whittington, "On the Need for a Theory of Constitutional Ethics" (2000) 9:3 The Good Society: A PEGS Journal 60–66.

<sup>25</sup> Harmoko M Said, "Menggagas Peradilan Etik Penyelenggara Negara Di Indonesia" (2021) 27:1 SASI 24–37.

<sup>26</sup> Jimly Asshiddiqie, *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi* (Jakarta: Bhuana Ilmu Populer, 2007).

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Third, the institutional unification of the State Officials Ethics Court is designed to restore trust in ethical enforcement agencies, which have often been criticized for their lack of credibility and independence due to the appointment of members who are not institutionally independent. Therefore, the State Officials Ethics Court must not only operate as an independent institution but also ensure that its members are selected from individuals who are credible, statesmanlike, and impartial.

#### **4. CONCLUSION**

The implementation of ethics-based governance must be used as a guiding star in the midst of an ethical crisis that is rooted in various state organizing institutions. The existence of MPR Decree No. VI/MPR/2001 concerning the Ethics of National Life has the purpose of strengthening the ethical position of the nation's life which has suffered setbacks that have also caused a multidimensional crisis. Of course, if state officials comply with and implement the contents of the MPR Decree *a quo*, there will undoubtedly be no ethical practices in Indonesia. However, the facts say otherwise. The weak binding power of the MPR Decrees even as a legal product directly under the constitution has implications for the non-enforcement of ethical principles by the incumbents. Reflecting on these conditions, it is necessary to regulate the issue of the ethics of state officials in a Law on Ethics of State Officials to ensure the administration of the state based on moral and ethical values. The existence of the Law on Ethics of State Officials will not only regulate the code of ethics and code of conduct of state officials, but also regulate an independent external ethics supervisory institution in the form of the State Official Ethics Court. Later, the institutional concept of the Ethics Court needs to stand alone so that it becomes the only institution that has the authority to adjudicate and enforce ethics. The State Official Ethics Court is here to uphold the ethics of state officials in order to build the authority of credible state officials. Of course, further research is needed related to the content material that will be outlined in the Law on Ethics of State Officials and the complexity of the establishment of the State Officials Ethics Court.

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