



## Dissecting the Ethics Court in Indonesia: Problems and Future Regulations from a Legal Philosophy Perspective

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Article	Abstract
<b>Keywords:</b> Ethics; Ethics Court; Legal Philosophy	<p><i>The term "ethics court" has become one of the most interesting terms in Indonesia, given the existence of various institutions that enforce ethical codes within the public official sphere and various specific professions. Despite this, there are issues regarding the status of ethical courts in Indonesia, with debate over whether such courts exist or not. This research aims to analyze and reflect on the development of ethics courts in Indonesia, including their problems and future regulations, from a legal philosophy perspective. This research is normative legal research with philosophical, conceptual, case, and legislative approaches. The research findings confirm that from the perspective of positive law in Indonesia, ethics courts still function as administrative instruments subject to the formal legal system, from the perspective of positive law in Indonesia, ethics courts still function as administrative instruments subject to the formal legal system and are therefore not yet able to play an autonomous role in substantively upholding the integrity and morality of the profession. The lack of a clear distinction between the domains of ethics and law obscures the function of ethical courts as protectors of professional dignity and public morality. From a legal philosophy perspective, forward-looking regulations are needed to balance the principles of morality and legal certainty with the strengthening of a solid legal foundation, recognition of independence, and the final authority of ethics courts. Thus, the forward-looking regulatory strategy aims to make the ethics court a pillar of substantive justice that respects universal moral values while also providing legal certainty in the conduct of an integrated state.</i></p>

### INTRODUCTION

The development of the rule of law in Indonesia shows a dynamic transformation in line with the demands of the times and the need for good governance in state administration. (Rauf, 2021) The concept of a state of law, which originates from the *rechtsstaat* tradition in Continental Europe and the rule of law in the Anglo-Saxon world, emphasizes that all aspects of governance must be based on law, not merely the

unilateral will of the ruler.(Oyuntungalag, 2022) In Indonesia, this principle received constitutional affirmation since the Fourth Amendment, which then gave rise to the substance of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, affirming Indonesia as a rule of law state.(Mendy, Ousu, 2025) This means that the law becomes the supreme authority in all aspects of state life, demanding a legal order that is functional, just, and oriented towards protecting human rights and social order.

Along with the reforms and the development of democracy, there is a growing awareness that legalistic law enforcement is often insufficient to achieve a clean and authoritative government.(Sukardi & Purnama, 2022) The emergence of various ethics enforcement agencies in branches of power marks a significant shift, where ethical aspects are beginning to be institutionalized within the governance system. Jimly Asshiddiqie emphasizes that legal and ethical norms must be implemented simultaneously to achieve a just, moral, and integrity-filled society.(Asshidiqie, 2014) According to his thinking, law and ethics are two complementary elements—law is like the body, while ethics is its soul.(Savulescu et al., 2020) The law will be difficult to uphold if it is not lived by ethics in its implementation.

Legal norms generally regulate right and wrong, are coercive, followed by strict sanctions, and are enforced by the state apparatus. They are more external (heteronomous), meaning their enforcement relies on authority outside the individual.(Fradhana Putra Disantara, Ruetaitip Chansrakao, Mohamad Jazuli, Ni Putu Ratnayutika, Rini Triastutiek Umiasih, 2021) Unlike legal norms, ethical norms emphasize aspects of good and evil, are internal (autonomous), and their sources are conscience, culture, and the collective consensus of society. Ethics encourages noble behavior, infusing law enforcement so that it is not merely rigid and formalistic.(Vasilyev, 2023) Jimly Asshiddiqie believes that legal violations are often not identical to ethical breaches, and vice versa.(Asshidiqie, 2015) Therefore, law enforcement should not operate alone without the support of ethical enforcement.

The idea of ethical adjudication has emerged as an effort to strengthen the rule of law not only in the normative dimension but also in the moral dimension. Ethical courts respond to the weakness of the internal adjudication processes of ethical institutions, which have been running ineffectively and impartially. Ethical adjudication is deemed urgent—philosophically, constitutionally, and sociologically—to ensure that state officials can be held accountable for their ethical conduct in front of the public and the state.(Rofingi et al., 2022) By design, ethical adjudication ideally has final and binding authority to decide on violations of public office ethics. This public office is broadly defined to include various professions such as doctors, public accountants, advocates, teachers, judges, veterinarians, and engineers, each having their code of ethics enforced by internal ethics bodies within their respective professions.

The code of ethics not only applies to certain professions but also to public positions that carry public functions and mandates, such as election organizers in Indonesia, namely the General Election Commission (KPU) and the Election Supervisory Body (Bawaslu), which have codes of ethics enforced by the Honorary Council of Election Organizers (DKPP), as well as members of the People's Representative Council (DPR) who have codes of ethics enforced by the Council's Honorary Court. (Hambali et al., 2022) This emphasizes the existence of ethical norms embodied in codes of ethics and enforced by special institutions that adjudicate these codes of ethics, commonly referred to as "Ethics Courts."

Ethics Court is not a juridical term because this term is not officially recognized in various laws and regulations in Indonesia. In this research, the term "Ethics Court" is used to simplify the phenomenon of enforcing the code of ethics through a separate ethics enforcement institution. Therefore, this research aims to analyze and reflect on the development of the ethics court in Indonesia, including its problems and future regulations based on the perspective of legal philosophy. This legal philosophy perspective is intended to clarify the existence of ethical norms and the enforcement institutions that have developed alongside the development of legal norms and their enforcement institutions in the courts. The legal issues to be addressed in this research are: first, the problems related to the conception and reality of the Ethics Court in positive law in Indonesia, and second, future regulations in formulating the Ethics Court in Indonesia from the perspective of legal philosophy.

## METHOD

This research, focusing on analyzing the development of ethical courts in Indonesia, including its problems and future regulations based on legal philosophy, is a normative legal study with a doctrinal legal analysis basis using theories, concepts, and various doctrines grounded in the perspective of legal philosophy. (Hamzani et al., 2023) This research employs conceptual, philosophical, case, and legislative approaches. The primary legal materials used include: the 1945 Constitution of the Republic of Indonesia, Constitutional Court Decision No. 32/PUU-XIX/2021, Law No. 7 of 2017 on General Elections, and various regulations discussing the institutions enforcing the code of ethics. The secondary legal materials are journal articles and books discussing legal philosophy, ethical norms, and courts. Non-legal materials include legal dictionaries. The analysis of legal materials is conducted using a prescriptive-based analysis by examining and referring to existing legal issues, which are then formulated into legal solutions known as prescriptions. (Rohman et al., 2024)

## RESULTS AND DISCUSSION

### The Issues Related to The Conception and Reality of Ethical Courts In Positive Law in Indonesia

The concept of ethical justice in Indonesia developed from the fundamental need to uphold the integrity and morality of public officials, amidst the weak effectiveness of law in maintaining public trust in state institutions. (Hossain et al., 2024) Ethical adjudication is seen as a supervisory mechanism and a fair forum for transparently and objectively judging ethical violations by state officials. (Hambali et al., 2022) Starting from the idea that law cannot be separated from morality, the implementation of ethical justice is expected to civilize law enforcement practices while also serving as an instrument to control the behavior of officials so they do not fall into the ethical violations that often accompany the exercise of power. (Dicky Eko Prasetyo Adam Ilyas Felix Ferdin Bakker, 2021)

Although "ethical justice" has not been officially accommodated in various laws and regulations, it has become a commonly used term in scientific meetings and journal articles. The development of the concept of ethical justice in Indonesia cannot be separated from the ideas of Jimly Asshiddiqie, an academic and former Chief Justice of the Constitutional Court, who first introduced this term into Indonesian constitutional discourse. (Asshiddiqie, 2021) Jimly observed that the effectiveness of monitoring the behavior of public officials cannot rely solely on the legal judiciary, which tends to be procedural and formalistic. (Asshiddiqie, 2021) He believes there is a need for an ethical judicial system that can more effectively, quickly, and openly control the behavior of public officials in response to the increasing number of ethical violations and the decline in public trust in state institutions.

This idea originated after the reform era, when various state institutions and public professions formed honor councils or assemblies to enforce their respective codes of ethics. However, this system is still sectoral, compartmentalized between institutions, and has not yet created an integrated ethical court mechanism. This idea of ethical justice, developed by Jimly Asshiddiqie within the framework of ethical justice, especially when he led the Election Organizers Honor Council (DKPP), is known as a pioneer of the open ethical justice system in the world. (Hambali et al., 2022) In academic forums, various writings, and books, Jimly elaborates that ethical justice ideally has an open process, unlike legal justice, which tends to be rigid and closed. It emphasizes restoring the institution's dignity and dismissing individuals rather than criminal or civil sanctions.

The concept of ethical justice in Indonesia is an essential development in understanding the fundamental differences between ethical norms and legal norms, while also marking significant differences in enforcing ethical codes compared to formal law enforcement. Ethical norms have the character of rules of life that are sourced in universal moral values and principles, are often unwritten, and place more emphasis on internal and autonomous criteria of right or wrong—that is, they originate from the individual's conscience or the conscience of a specific professional group. (Van der Burg, 2022) Sanctions for ethical violations are more social, such as

shame or ostracism, rather than physical coercion; enforcement is also based on a dialogic process to restore dignity and build social relationships.

Legal norms are formal rules written in legislation and created by state power. They are external and heteronomous, applied generally to everyone, and have coercive force through criminal or civil sanctions imposed by the state apparatus.(Legarre, 2017) Law enforcement emphasizes legal certainty, procedural formality, and imposing physical or material sanctions to maintain public order.(Setiyono, 2022) The fundamental difference between enforcing a code of ethics and enforcing the law lies in their scope, procedures, and ultimate goals.

Enforcement of the code of ethics is usually carried out by ethics councils or assemblies in each profession. The process is simpler, faster, and more open, and focuses on restoring the institution's dignity and character development of the individual violators. Ethical sanctions such as dismissal from office or reprimands prioritize efforts to maintain public trust and professional integrity. Meanwhile, law enforcement operates through the state judicial mechanism, utilizing the principle of legality and rigid procedural rules, resulting in sanctions that formally regulate individual rights and freedoms.(Szoszkiewicz, 2024) Thus, ethical courts were born as an innovative solution and a recognition of the need for a forum specifically addressing ethical violations outside of formal legal procedures.

Ethical adjudication positions ethical norms as both a partner and a complement to the law, ensuring that national life is based not only on legal certainty but also on morality and public integrity.(Elpina, 2024) This idea places the ethical realm on par with, yet distinct from, the law, reinforcing the primary goals of upholding professional honor, building a culture of integrity, and emphasizing that ethical enforcement is no less critical than legal enforcement in building a just and dignified society. Norms and ethics play a central role as the moral foundation in social life, accompanying and serving as the basis for forming legal norms.(Lesen et al., 2022) Ethical norms serve as internal guidelines for judging right and wrong, guiding individuals or professional groups to act according to values, moral principles, and justice. They require integrity, honesty, and concern for the impact of actions on others, thus maintaining social harmony and building public trust.

Norms and ethics often serve as the primary source of inspiration or reference when formulating positive law.(Nuna et al., 2020) This happens because law essentially manifests moral values and norms that the state has formally sanctioned through written regulations. Thus, the primary function of ethical norms is to preserve moral substance in decision-making, especially when positive legal provisions are inadequate or have not yet regulated specific situations in detail. In many cases, violations of ethical norms result in social sanctions such as criticism, ostracism, or loss of trust, while violations of the law lead to consequences such as criminal penalties or fines imposed by law enforcement agencies. Ethical and legal norms are complementary;

ethics points towards the substance of justice and goodness, while law ensures certainty and protection through formal mechanisms.(Parsa-Parsi, 2022) In other words, ethical norms serve as both the foundation and a critical partner to the law. In certain situations, ethical norms can even be a reference when legal norms are absent or less relevant for resolving societal moral issues. Therefore, a balanced application of both is crucial for creating social order, dignified justice, and integrated national governance.

Chief Justice Earl Warren once stated regarding ethical norms that "In civilized life, law floats in a sea of ethics." (Warsyim et al., 2024) This statement affirms that law can only exist and gain legitimacy when it is based on a broad ethical foundation and lives within society. This metaphor emphasizes the need for a balance between legal certainty and moral justice. Rigid laws, disregarding changes in ethical values, will become outdated and lose their function as guardians of justice and social harmony. Conversely, laws responsive to ethics will be more accepted and respected. Thus, the strength and authority of law do not only come from the state as the rule-maker, but primarily from the moral-ethical legitimacy that underpins its social acceptance. This view suggests that law cannot stand alone; the societal internalization of ethical values heavily influences its effectiveness. Good law can adapt to and reflect public moral values, thus remaining relevant, humane, and dignified.

Chief Justice Earl Warren's statement profoundly explains the inherent relationship between ethical and legal norms in building a civilized social order.(Thahir & Tongat, 2024) Through this metaphor, Warren wants to emphasize that the legal system in society never exists separately or autonomously from the moral and ethical values present in citizens' daily lives. Legal norms, in the form of written rules enforced by the state, can only gain legitimacy, be respected, and be effectively implemented if they are rooted in an established ethical foundation accepted as the common good within society. Therefore, law is considered to "float"—meaning its existence is highly dependent on and supported by a vast, dynamic, and sometimes invisible ocean of ethical values, which underpin the very strength of the law itself.

About ethical and legal norms, Warren's statement emphasizes that ethical norms—namely, a set of principles of morality, justice, honesty, and integrity—are the primary source of inspiration when laws are designed, enforced, and evaluated. The success or failure of a legal norm is measured by how well its substance aligns with the collective conscience of society, which is manifested in social ethics. Suppose the law relies solely on formal and legalistic aspects, without considering the ethical values that are alive and developing. In that case, that law is prone to losing moral authority and is easily violated or questioned in its legitimacy.

In a civilized modern society, good legal policy is sensitive to ethical dynamics and can guide behavior while still considering public moral expectations. Thus, Warren's thinking can be summarized as a warning that the existence and dignity of law always depend on the ocean of ethics that surrounds and supports it. Therefore, the law must

continuously adapt, interpret, and even reform itself by the evolving moral values of society so that it remains meaningful and can guide society towards a dignified life. Law and ethics must go hand in hand: law is the concretization of ethical principles, while ethics is the guardian of conscience, thus creating harmony between formal order and substantial goodness in communal life.

Regarding the ideas of ethical and legal norms, even in his ideal view, Jimly Asshiddiqie believes that the concept of ethical courts can develop into a driving force for Indonesia to have a National Ethics Court as the pinnacle of the ethical justice system. Jimly emphasized the importance of specific laws regulating state officials' ethics, so ethical principles complement the formal legal system. (Tanjung et al., 2020) According to Jimly, every state institution now has an ethical code, but no integrated and national system exists. Therefore, he proposed an institution capable of serving as a cross-professional and cross-public office appeals and ethics reference forum to ensure consistency and fairness in ethics enforcement. Thus, the term "ethical judiciary" introduced by Jimly Asshiddiqie has now evolved not only into an academic concept but also into a current agenda in institutional reform, with the hope of maintaining the integrity of public officials and restoring public trust in the state through modern, open, and ethical enforcement mechanisms that are oriented towards good and dignified governance. (Madda et al., 2022)

Philosophically, ethical justice stems from Pancasila as the nation's fundamental norm. At the same time, the 1945 Constitution strengthens its legal aspects by emphasizing the importance of ethical behavior for state officials. (Said, 2021) Sociologically, establishing an ethics court becomes necessary due to the increasing number of ethical violations and the weak effectiveness of internal handling in various institutions. In terms of implementation, the ethical justice system is made simpler, faster, and more open compared to the conventional legal system, which is often convoluted. The ethical sanctions imposed are not always in the form of punishment, but rather emphasize restoring the institution's dignity and removing officials from their positions if they violate serious ethical norms. This distinguishes ethical justice from legal justice, which prioritizes formal legal elements, so ethical justice can be expected to build a culture of integrity, strengthen public trust, and become the central pillar of good governance in Indonesia.

Although the idea of ethical courts is ideally intended to complement and even work alongside legal norms to regulate and order society, the concept of ethical courts in Indonesia faces at least two major problems: first, legally, there is no official term for ethical courts in Indonesian positive law. The absence of the term "ethical court" in Indonesian positive law makes the existence of ethical courts essentially limited to an "idea" and a "dream," because in practice, ethical courts do not exist. If we refer to this view, then what exists in Indonesia is not an ethics court but merely an institution for enforcing the code of ethics. This creates a problem because this view weakens the

essence of ethical norms, which can even be said to be non-existent because they can be considered part of legal norms.

The second issue relates to the constitutional status of ethics courts, particularly after Constitutional Court Decision No. 32/PUU-XIX/2021. Constitutional Court Decision No. 32/PUU-XIX/2021 tested the constitutionality of Article 458 paragraph (13) of Law No. 7 of 2017 concerning General Elections, specifically regarding the final and binding nature of the Election Organizers Honor Council (DKPP) decisions. Constitutional Court Decision No. 32/PUU-XIX/2021 states that the term "final and binding" must be interpreted to mean that DKPP decisions are concrete, individual, and final as decisions of state administrative officials (TUN), thus making them subject to dispute in the State Administrative Court (PTUN). (Farisa, 2020) Therefore, the sole interpretation of Article 458 paragraph (13) of the Election Law is that DKPP decisions still require being followed up in the form of TUN decisions, thus opening access for objections through the State Administrative Court for the aggrieved party. Although in general, MK Decision No. 32/PUU-XIX/2021 affirms that DKPP decisions can be tested in court, in this case, the Administrative Court, MK Decision No. 32/PUU-XIX/2021 in its judges' ratio decidendi directs that the Administrative Court's ability to test DKPP decisions confirms that DKPP decisions are not a separate norm, in this case, an ethical norm. (Disantara et al., 2022)

MK Decision No. 32/PUU-XIX/2021 specifically in its judges' ratio decidendi implicitly emphasizes that DKPP decisions can be considered administrative body decisions and are entitled to be tested in administrative courts, in this case, the Administrative Court. MK Decision No. 32/PUU-XIX/2021 implies that ethical norms are considered non-existent because ethical norms are part of legal norms. This view aligns with Fernando Manullang, who critically highlights the concept of ethical justice in Indonesia, which does not exist as a separate entity because all mechanisms of adjudication and ethical sanctions have become the domain of legal norms after being formalized through legislation and state institutions. (Manullang, 2022)

From the two problems mentioned above, the idea of an ethics court as proposed by Jimly Asshiddiqie in Indonesia is still just an idea and a dream because, in positive law in Indonesia, an ethics court can be considered non-existent. After all, it is part of an administrative procedure that the court can test as an enforcer of legal norms. The view that considers an ethics court to be part of an administrative procedure that can be tested by the court as an enforcer of legal norms, as stated in Constitutional Court Decision No. 32/PUU-XIX/2021, is also found in Supreme Court Circular No. 10 of 2020 Regarding the Implementation of the Formulation of the Results of the Supreme Court Chamber Plenary Meeting in 2020 as a Guideline for the Implementation of Court Duties, letter 3 number 3, which states that one of the authorities of the State Administrative Court is to examine the follow-up to ethics court decisions.

From the above explanation, positive law in Indonesia, in reality, still places ethical norms, and particularly ethical courts, as part of legal norms (primarily administrative legal norms). Although ideally, ethical norms, particularly ethical courts, are part of the concept of ethical norms and ethics enforcement carried out by different or even separate ethical courts from legal norms, the enforcement of which is carried out by judicial institutions. The main problem related to the concept and reality of ethical courts in positive law in Indonesia lies in the ambivalence and lack of clarity in the regulations that distinguish between ethical and legal norms, particularly in the context of enforcement through judicial institutions. The existing reality shows that positive law in Indonesia, as reflected in the practices of institutions such as the DKPP, still positions ethical norms—and ethical courts in particular—as an inseparable part of legal norms, primarily administrative legal norms. All ethical adjudication mechanisms and ethical sanctions in place ultimately fall under and are incorporated into the formal legal framework, so an ethics court does not stand entirely independently as a forum for pure ethics enforcement.

Ideally, the concepts of ethical norms and courts should be understood and designed as institutions separate and independent from the realm of positive law, focusing on enforcing moral values and principles beyond administrative and procedural legal provisions. The fundamental differences in purpose, enforcement mechanisms, and types of sanctions underscore the need for a distinction between the two, where ethics courts are essentially tasked with restoring dignity and maintaining the moral integrity of the profession, not merely issuing legal-formal rulings. However, within the context of Indonesian positive law, efforts to establish a genuinely independent ethics court are still frequently hampered by the need for legal certainty, the intersection of legal regulations, and concerns about jurisdictional overlap. The idealization of ethics enforcement as a separate pillar is still challenging to achieve and tends to be reduced to a part of state legal administration. Therefore, a precise conceptual and systemic construction needs to be strengthened to differentiate between ethical courts and legal courts, so that the enforcement of ethical norms in Indonesia does not merely become a procedural supplement to the law, but is truly capable of becoming an instrument for driving a culture of integrity and authentically and sustainably safeguarding public morality.

### **Future Regulations in Formulating the Idea of An Ethics Court in Indonesia from The Perspective of Legal Philosophy**

In the 21st century, the urgency of establishing an Ethics Court is becoming increasingly apparent amidst the complexities of modern society, which is rife with social, political, and technological dynamics.(Mak, 2023) The need for this institution remains undeniable despite the various issues that may arise regarding establishing an

Ethics Court, such as potential overlap of authority, challenges in formulating universal ethical norms, and concerns about the subjectivity of interpreting ethics. (Christopher J. Przemieniecki, Jana Nestlerode, 2023) This century is marked by rapid social change, conflicts of interest between individuals and institutions, and digital advancements that raise numerous new ethical dilemmas, ranging from data privacy and global supply chains to interactions in the virtual world.

An Ethics Court is needed to balance positive law, which tends to address violations in a formal legal manner, and moral and integrity issues that regulators cannot always address. Such courts serve as a space for non-judicial mediation and the enforcement of justice, fostering a culture of ethical behavior for public officials, professionals, corporations, and the general public. (Esteves, 2024) With an objective, clear, and measurable ethical mechanism, the Ethics Court can increase public trust while strengthening the pillars of national life through clean and integrity-based governance. Furthermore, it also serves as an educational tool about the importance of ethical values and norms amidst the strong current of pragmatism and short-term interests that often negate the long-term public good. Therefore, despite all the conceptual and technical challenges and problems, the idea of an Ethics Court must be seen as a strategic necessity to address the ethical issues that have emerged in this modern era, while continuously improving its weaknesses to create an ethics court that is credible and relevant to 21st-century society.

From a legal philosophy perspective, ethics courts play a central role in enforcing ethical norms that are not always accessible through the positive legal system. Legal philosophy views law not merely as a set of formal rules but as a reflection of the moral values and justice that exist within society. (Braithwaite, 2002) An ethics court is needed to bridge the gap between positive law, which tends to be rigid and universal, and ethical norms, which are dynamic, contextual, and rooted in the collective conscience and culture.

Immanuel Kant had a profound and systematic view on the relationship between morality, ethics, and law. According to Kant, morality is based on rational and universal principles called categorical imperatives. These moral rules must be followed without exception and are not dependent on specific consequences or conditions. (Martha Eri Safira, 2019) For Kant, morality is autonomous and stems from duties born of pure reason, not from external desires or impulses. Kant viewed law as a set of rules governing human actions in the public sphere to create order and just freedom for everyone. (Srivastava, 2024) Law is external and regulative, meaning it governs human behavior from the outside to prevent harm to others, while morality regulates a person's inner intentions and motives. Therefore, although law and morality are closely related, they have different domains and functions. Law can only regulate externally visible and measurable actions, whereas morality governs deeper intentions and inner obligations.

Kant emphasized that good laws must be based on moral principles to administer true justice. (Lin, 2024) Law without morality will lose legitimacy and can become tyranny, while morality without law is not strong enough to guarantee social harmony. Thus, according to Kant, law and ethics must go hand in hand. Law is the concrete form of moral principles in social life, ensuring that the freedom and rights of every individual are universally and fairly respected.

Ethics courts are becoming an essential mechanism for testing behavior that, while not violating written legal rules, demonstrably harms the sense of justice, integrity, and public decency. From the perspective of legal philosophy, particularly the positivist school, law is limited to aspects that can be objectively enforced through written regulations. However, criticism from the natural law and legal hermeneutics schools of thought emphasizes that law should be rooted in the moral and ethical values that develop within society. This is where the role of the ethics court comes in: offering a forum for enforcing substantive justice beyond mere legalism, so that living ethical norms can be upheld and used as a reference for the behavior of citizens, officials, and institutions.

Ethics courts also facilitate social learning about the meaning of integrity, accountability, and moral responsibility in communal life. Ethics courts help maintain social cohesion by ensuring that ethical violations are not left without a fair response. Therefore, from the perspective of legal philosophy, an ethics court is not merely a supplement to the judicial system, but plays a vital role in bridging the tension between legal policy and the moral demands of society, while also strengthening the legitimacy of law through the systematic and institutional enforcement of ethical values.

When viewed from the perspective of existing laws and regulations or positive law, the idea of an ethics court in Indonesia still faces several significant weaknesses that affect the institution's effectiveness and credibility. One of the main obstacles is the unclear independent status of the institution handling ethical code enforcement. Many ethics institutions are currently pro-forma and fall under the umbrella of their parent state institutions, making them vulnerable to political and institutional interference, thus hindering impartiality and autonomy in ethics enforcement.

Furthermore, in the Indonesian legal system, particularly regarding the supervision of judges as the most obvious example, there are fundamental issues in the mechanism for addressing ethical violations. The Judicial Commission, which functions as an oversight body, does not have full authority to impose sanctions directly, but can only make recommendations to the Supreme Court and the Constitutional Court, which often disregard these recommendations. This condition weakens the deterrent effect for ethical violators and undermines the overall authority of the judiciary. Additionally, the Constitutional Court has also significantly curtailed the authority of the Judicial Commission, such as by revoking its oversight of constitutional judges and its

participation in the selection of judges, further exacerbating the ethical oversight situation at the highest level of the judiciary.

From a regulatory perspective, the existing code of ethics also lacks clear and comprehensive rules, particularly regarding crucial aspects such as conflicts of interest and transparency. This makes it difficult to consistently and uniformly implement and enforce ethics across various state institutions. Additionally, internal ethical enforcement within various institutions is often considered insufficiently independent and always vulnerable to protecting members involved in cases, making the process lack credibility and tend to generate public skepticism.

These factors indicate that although an ethics court is needed to uphold ethical norms within the state apparatus and judiciary, Indonesia's legal system and positive legal mechanisms still do not optimally support the success of this institution in carrying out its essential functions. (Shidarta, 2020) Reforms in institutional aspects, firm strengthening of regulations, and enforcement of the independence and authority of ethics bodies must be priorities so that ethics courts can function effectively as pillars for upholding ethical norms in Indonesia.

From a legal philosophy perspective, the need for future regulation in formulating the idea of an Ethics Court in Indonesia is crucial to ensure that this institution is not merely a formal instrument but is also effective in systematically and fairly enforcing ethical norms. Legal philosophy emphasizes that law is not simply written rules governing external actions, but must also reflect the moral values and principles of justice within society. Therefore, mature and comprehensive regulations regarding the Ethics Court must be established so that it has a strong legal basis, apparent authority, and a constitutionally independent position, enabling it to carry out its ethical oversight function with high credibility and without intervention.

From a regulatory perspective, this idea needs to be formulated through two main avenues: establishing a law-based ethics court institution that has final and binding authority in adjudicating ethical violations by state officials, and constitutional strengthening through amendments to the 1945 Constitution of the Republic of Indonesia, which places this institution as a fundamental state organ in overseeing the ethics of state officials. This approach allows ethics courts to play a strategic role as "watchdogs" that safeguard the integrity of state officials with apparent authority, unlike internal oversight bodies, which currently tend to have limitations. This regulation must also consider the repositioning and restructuring of existing institutions, such as the Judicial Commission, so that they can perform their ethical functions comprehensively and effectively within the judiciary and other branches of power.

Besides the institutional aspect, from a legal philosophy perspective, the formulation of ethical principles and norms that will serve as the basis for ethical courts must be universal, rational, and morally acceptable to all segments of society, bridging

the gap between positive legal rules and the demands of substantive morality. This regulatory effort should also emphasize transparency, accountability, and fair rights protection mechanisms for all parties so that the ethics court becomes not merely a political tool or an instrument of revenge but a pillar of legal and moral legitimacy that strengthens state governance and builds public trust. In other words, future arrangements should make ethical courts a concrete manifestation of the harmony between law and morality, which is a fundamental value in legal philosophy, to address the challenges of contemporary socio-political dynamics while maintaining the continuity of the rule of law and ethics in Indonesia.

From a legal philosophy perspective, future regulatory strategies and steps in formulating the idea of an Ethics Court in Indonesia must emphasize the synergy between the principles of morality and legal certainty so that this institution can effectively, objectively, and reasonably carry out its ethical oversight function. (Rhode et al., 2020) The crucial first step is to strengthen regulations by establishing a solid legal basis, such as special laws or constitutional amendments, so that the Ethics Court becomes an independent state institution with final and binding authority in adjudicating ethical violations by state officials. This reflects the need for an institution that is not only a weak internal control mechanism but also an enforcer of ethical norms with constitutional legitimacy that is systematically and proportionally structured.

Furthermore, from the perspective of legal philosophy that emphasizes harmony between legal norms and moral values, the institutional structure of the Ethics Court must be designed in such a way as to be synergistic with other law enforcement agencies, such as the Judicial Commission, which can be repositioned to play a role not only as an ethical supervisor of judges but also as the central institution for ethical courts for all state officials. This approach emphasizes the concept of institutional restructuring through repositioning and reshaping methods, aiming for integrated and non-fragmented ethical governance of the state.

In addition to the institutional aspect, mechanisms combining rewards and punishments with a humanistic approach, such as kindness strategies, should also be integrated. This approach focuses on sanctions and builds moral awareness and integrity through judicial education and value development. This multidisciplinary approach aligns with the philosophy of law, which views law as the embodiment of substantive justice and as an instrument for shaping the moral character of state apparatus or other professions with ethical codes and enforcement mechanisms.

Another critical step is to formulate transparent standards, procedures, and mechanisms for implementing ethical courts so that the process is credible, accountable, and can be held responsible before the public. The Ethics Court must be a fair mediator and a forum for moral education for state officials and the public, so that public trust in the administration of the state and the judicial system can be

increased. This aligns with the legal philosophy that places law as the commander of ethical and moral values in social life. Thus, forward-looking regulatory strategies from a legal philosophy perspective demand a solid legal foundation, effective structural integration, a holistic ethical approach, and transparent and accountable implementation mechanisms. All these efforts must be directed towards realizing ethical justice as a pillar of substantive justice that safeguards the governance of the state with integrity and respects universal moral values, while also providing fair legal certainty for all citizens.

## CONCLUSION

The main problem in the conception and reality of ethical courts in Indonesia stems from the ambivalence of regulations and the weak separation between ethical and legal norms, especially in enforcement practices through formal adjudication bodies. Positive law in Indonesia, as reflected in institutional mechanisms like the DKPP, still places the ethics court solely as an administrative instrument under the umbrella of legal norms. Consequently, all adjudication processes and the imposition of ethical sanctions ultimately fall under the formal legal system. This situation impacts the suboptimality of the ethics court's function as an autonomous forum for enforcing ethics, which truly emphasizes restoring the integrity and morality of the profession beyond the confines of procedural legality. Theoretically and normatively, ethics courts should be idealized as genuinely independent institutions, separate from positive law, and oriented towards upholding the values and moral principles essential for professional integrity. The lack of a clear distinction between the purpose, mechanisms, and sanctions for enforcing ethics versus positive law obscures the role of ethical courts as protectors of professional dignity and guardians of public morality. Efforts to construct a separate ethics court continue to face problems of legal certainty, regulatory overlap, and concerns about jurisdictional fragmentation. Therefore, conceptual and systemic strengthening to clearly distinguish between the ethical and legal domains is an absolute prerequisite, so that in the future, ethical courts in Indonesia can play a significant role, not merely as a supplement to legal procedures, but as a pillar supporting authentic integrity culture and safeguarding sustainable moral values in national and state life.

The future regulation of the Ethics Court in Indonesia from a legal philosophy perspective demands a balance between the principles of morality and legal certainty so that this institution can effectively, objectively, and reasonably carry out its ethical oversight function. This must be realized by strengthening a solid legal basis, such as forming special laws or constitutional amendments, so that the Ethics Court has an independent position and final authority in adjudicating ethical violations by state officials. In addition, institutional designs that are synergistic with other law enforcement agencies and integrated restructuring are needed to prevent the

management of state ethics from becoming fragmented. A multidisciplinary approach combining a system of sanctions and moral education is also essential for building comprehensive integrity awareness. In addition, the principles of transparency, accountability, and credible procedures must be the foundation for implementing the ethics court's functions to increase public trust. Overall, this regulatory strategy is expected to make the Ethics Court a pillar of substantive justice that respects universal moral values while providing legal certainty for all citizens in the conduct of an integrated state.

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