

The Constitutional Court's Journey to Bureaucratic Reform

Mahkamah Konstitusi dalam Perjalanan Reformasi Birokrasi

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ABSTRACT

The purpose of this study is to analyze the bureaucratic ethics of the Constitutional Court related to the objectives and constitutional values in the decisions of the Constitutional Court judges, as well as the role of bureaucratic reform based on Presidential Regulation Number 81 of 2010. The method used is a literature study. This method involves analyzing secondary data from Constitutional Court decisions, laws and regulations, and other scientific literature focusing on the research topic. The results showed that ethical violations by Constitutional Court judges are a serious challenge to the integrity of the Constitutional Court institution. After the amendment of the 1945 Constitution after the reform, the Constitutional Court became the highest judicial institution against corruption, collusion, and nepotism. Despite four amendments, legal irregularities in the Constitutional Court still occur, indicating that post-reform law enforcement has not been optimal. The main challenge is the inability of the bureaucracy to serve the public interest. The importance of bureaucratic reform is illustrated by the need to improve the integrity of the Constitutional Court, rebuild public trust, and ensure that this institution continues to function as a justice enforcer that serves the public interest.

Keywords: Bureaucratic Reform, Code of Ethics, Constitutional Court

ABSTRAK

Tujuan dari penelitian ini untuk menganalisis etika birokrasi Mahkamah Konstitusi terkait dengan tujuan dan nilai-nilai konstitusional dalam putusan hakim Mahkamah Konstitusi, serta peran reformasi birokrasi berdasarkan Peraturan Presiden Nomor 81 Tahun 2010. Metode yang digunakan yakni studi kepustakaan. Metode ini melibatkan analisis data sekunder yang bersumber dari Putusan Mahkamah Konstitusi, peraturan perundang-undangan dan literatur ilmiah lainnya yang fokus pada topik penelitian ini. Hasil penelitian menunjukkan bahwa pelanggaran etika hakim Mahkamah Konstitusi menjadi tantangan serius terhadap integritas lembaga Mahkamah Konstitusi. Setelah amandemen UUD 1945 pasca reformasi, Mahkamah Konstitusi menjadi lembaga peradilan tertinggi yang menentang korupsi, kolusi, dan nepotisme. Meski telah empat kali diamandemen, penyimpangan hukum di Mahkamah Konstitusi masih terjadi, menunjukkan penegakan hukum pasca reformasi belum optimal. Tantangan utama adalah ketidakmampuan birokrasi dalam mengabdikan pada kepentingan publik. Pentingnya reformasi birokrasi tergambar dari perlunya memperbaiki integritas Mahkamah Konstitusi, membangun kembali kepercayaan publik, dan memastikan bahwa lembaga ini tetap menjalankan fungsinya sebagai penegak keadilan yang mengabdikan pada kepentingan publik.

Kata Kunci: Reformasi Birokrasi, Kode Etik, Mahkamah Konstitusi

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INTRODUCTION

Indonesia, as a country that adheres to a democratic system, has institutions that play an important role in maintaining the continuity of the legal system by respecting and upholding the principles of the rule of law. One institution that has a vital role in upholding the existence of the judiciary is the Constitutional Court. The Constitutional Court as a law enforcement institution has a strategic role in ensuring the implementation of the Constitution and protecting the constitutional rights of citizens. As part of the judicial system, the Constitutional Court is entrusted to carry out its duties with full integrity, transparency, and compliance with the established code of ethics and behavioral guidelines.

However, in carrying out its duties, the Constitutional Court, like other bureaucratic institutions in Indonesia, is also vulnerable to internal challenges and problems. The reality that occurred shows that there were ethical violations committed by judges and officials in the Constitutional Court. Several judges were involved in situations that sparked attention, including a case of code of ethics violations involving Constitutional Justice Arsyad Sanusi. In this case, Arsyad Sanusi was asked to take responsibility for a meeting with one of his close relatives who was involved in a case at the Constitutional Court in 2010. This case ended with Arsyad Sanusi resigning from his position as a constitutional judge (Arfiani et al., 2022; Lailam, 2020).

Cases of ethical violationsThe Constitutional Court also occurred in 2013 where M. Akil Mochtar was proven to have violated the Code of Ethics and Behavior of Constitutional Judges. Akil was deemed to have violated several ethical principles contained in Constitutional Court Regulation No. 09/PMK/2006 concerning the Implementation of the Declaration of the Code of Ethics and Behavior of Constitutional Judges (Constitutional Court of the Republic of Indonesia, 2013). Apart from that, there is also a controversial case related to a memo from the Chairman of the Constitutional Court, Arief Hidayat, to the former Deputy Attorney General for Special Crimes in 2016. This case received special attention because of the verbal warning from the Ethics Council of the Constitutional Court, which was recorded in the Minutes of Investigation Results No. 13/Info-III/BAP/DE/2016 (Arfiani et al., 2022; Lailam, 2020)

Cases of ethical violations by Constitutional Court judges did not stop in 2016. Until 2023, serious ethical violations were revealed by Constitutional Judge Anwar Usman. This case relates to the granting of age requirements for presidential and vice presidential candidates by judges at the Constitutional Court, where Anwar Usman leads the court. Therefore, the Constitutional Court decided to dismiss Anwar Usman from the position of Chief Justice of the Constitutional Court (Constitutional Court of the Republic of Indonesia, 2023).

Several cases of ethical violations (Arfiani et al., 2022; Lailam, 2020; Constitutional Court of the Republic of Indonesia, 2023) raise serious questions about compliance with the standards of behavior that law enforcement officers should uphold. The ethical violations that occurred at the Indonesian Constitutional Court show that there are serious problems in the bureaucratic system of constitutional justice institutions. Bureaucracy is often viewed negatively by society because it is associated with various detrimental things such as corruption, collusion, nepotism, and poor service. Historical factors, especially the Dutch colonial legacy, created a bureaucratic culture that was patrimonial and focused on the interests of those in power. The quality of bureaucracy is currently affected by the desire of bureaucrats and politicians to gain power, thereby increasing opportunities for corruption, collusion, and nepotism. This can involve actions

such as slow handling, irregularities in procedures, abuse of authority, interference, incompetence, and dereliction of duty.

This negative behavior in bureaucracy is then referred to as bureaucratic pathology. According to Siagian, Bureaucratic Pathologies are categorized into five groups: First, pathologies that arise due to the perceptions and managerial styles of officials in the bureaucratic environment. Second, pathology is caused by a lack of low level of knowledge and skills in implementing officers in various operational activities. Third, pathology arises due to the actions of bureaucratic officials who violate legal norms and applicable laws and regulations. Fourth, pathology is manifested in the dysfunctional or negative behavior of bureaucrats. Fifth, pathology is the result of internal situations in various government agencies (Siagian, 1994). The big challenge in overcoming bureaucratic pathology involves structural changes and the internal values that shape bureaucrats.

Ethics, including bureaucratic ethics, basically has two roles, first, as a guide and reference for state administration (public bureaucracy) in carrying out its duties and authority so that its actions within the organization are considered good, commendable, and beyond reproach. Second, bureaucratic ethics is an evaluation standard regarding the nature, behavior, and actions of the public bureaucracy which are considered good, not reprehensible, and commendable (Fahri, 2021). However, cases of ethical violations in the Constitutional Court show that the Constitutional Court does not carry out its true bureaucratic ethical role. This not only damages the image of the constitutional judiciary but can also shake public confidence in the integrity of the judiciary. So bureaucratic reform becomes a key element in administering government which interacts directly with the community, and becomes the main foundation in realizing good governance, or what is known as good governance (Fahri, 2021; Yunas, 2016).

For this reason, the author will analyze the bureaucratic ethics of the Constitutional Court about the application and problems of constitutional goals & values in the decisions of Constitutional Court Judges. In addition, researchers will provide recommendations for the role of bureaucratic reform based on Presidential Regulation Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform 2010-2025 in cases of violations of the code of ethics and behavioral guidelines for Constitutional Court judges.

LITERATURE REVIEW

Constitutional Goals & Values

Goals can be interpreted as something to be achieved or realized in the future that requires specific and coordinated activity procedures or guidelines (Christensen et al., 2007). In public administration studies, several experts explain the significant positive influence of goals on motivation, employee performance, and overall organizational effectiveness (Jung, 2014).

Regarding the purpose of the constitution, the constitution is a consensus of the majority of the people regarding the ideal building of the state, which is generally understood to be based on three pillars of agreement, namely (1) The general goals of society or general acceptance of the same philosophy of government); (2) Agreement on the rule of law as the basis of government or state administration, and; (3) The form of institutions and procedures (Sa'adah, 2019).

By the objectives of the rule of law, the constitution as the highest law is also directed to achieve and realize the highest goals. According to J. Barents, there are 3

(three) objectives, namely (1) to maintain order and peace, (2) to maintain power, and (3) to take care of matters relating to public interests. Meanwhile, Maurice Hauriou stated that the purpose of the constitution is to maintain a balance between (1) order (*orde*), (2) power (*gezag*), and (3) freedom (*vrijheid*). In general, a constitution is directed to achieve the goals of (1) justice, (2) order, and (3) the realization of ideal values such as independence or freedom and prosperity or shared prosperity, as formulated as the goals of the state (the founding fathers and mothers) (Sa'adah, 2019).

Values reflect the views and beliefs held by organizational members and become characteristics of the organization. Values in the context of the public sector are often related to the principles and norms that form the basis for actions and policies in government (Christensen et al., 2007). According to Jimly Asshiddiqie, the values that live in people's cognitive awareness as well as the reality of political and legal behavior of citizens which are considered ideal habits and requirements in the life of the nation and state can be benchmarks in testing laws (Asshiddiqie, 2006).

The constitutional values that professional judges must have are: A humanitarian attitude, so that they do not respond to the law only formally, but always prioritize the law materially by prioritizing respect for human rights; An attitude of justice to determine what is appropriate for society to guarantee a sense of justice; An attitude of propriety, in considering what is truly fair in a case; An honest attitude so as not to join in the judicial mafia (Deu, 2015).

Grand Design of Bureaucratic Reform

The implementation of significant bureaucratic reform aims to build public trust and erase the negative image of government bureaucracy by forming a bureaucracy that has better capacity, commitment, and professionalism (Fahri, 2021; Ikaputri, 2023; Saraswati & Adi, 2022). The main objective of bureaucratic reform is to achieve a clean government free from corruption, collusion, and nepotism, as well as improve the quality of public services and increase the capacity and accountability of bureaucratic performance through changes in mindset and culture, as well as increasing the human resources of the apparatus in implementing government and government management systems (Saraswati & Adi, 2022).

As an effort to realize good governance, the Indonesian Government has stipulated Presidential Regulation Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform 2010-2025 emphasizing the importance of making significant changes that focus on 8 (eight) areas of change in various aspects of the bureaucracy. The 8 (eight) areas of change that are the objectives of bureaucratic reform include Change Management, Structuring Legislation; Organizational Structuring and Strengthening; Management Arrangement; Arrangement of Human Resources Apparatus; Strengthening Supervision; Strengthening Accountability; Improving the Quality of Public Services (Indonesian Presidential Regulation, 2010).

Since the initial commitment to initiate bureaucratic reform, the Grand Design for Bureaucratic Reform has set the goal of directing policies for implementing bureaucratic reform nationally over fifteen years (2010-2025). This aims to ensure that bureaucratic reform implemented by all Ministries/Institutions and Regional Governments (Pemda) can run effectively, efficiently, measurably, consistently, integrated, institutionalized, and sustainable (Ikaputri, 2023).

RESEARCH METHOD

This research uses the method of library study research, which is a series of research that uses library sources as a basis for analysis (Zed, 2008). The aim is to analyze violations of the code of ethics and behavior of judges which focuses on analyzing the implementation and problems that arise in connection with constitutional goals & values in the decisions of Constitutional Court Judges. In addition, this research aims to explore the role of bureaucratic reform as regulated in Presidential Regulation Number 81 of 2010 concerning Grand Design for Bureaucratic Reform 2010-2025, especially in the context of cases of violations of the code of ethics and behavioral guidelines for Constitutional Court judges.

Method literature study used by examining secondary data sources from literature studies, including Constitutional Court decisions, statutory regulations, scientific literature, previous research results, journal articles, news, expert views, and other relevant sources.

RESEARCH RESULT

After Soeharto's presidency, five presidents have led Indonesia: Habibbi, Abdulrahman Wahid, Megawati, Susilo Bambang Yudhoyono, and Joko Widodo. The Reformation Era faced strategic challenges, including constitutional reform, ending the ABRI Dwifungsi, implementing regional autonomy, and democratizing the economy. Despite four amendments to the 1945 Constitution and progress in democratic life, there are still problems that need to be corrected. Public aspirations have not been effectively channeled, causing dissatisfaction and demonstrations to continue to occur in the reform era. Corruption, collusion and nepotism, violations of the constitution, legal uncertainty, and lawlessness are still rampant.

Several judges were involved in attention-grabbing situations, including a case of code of conduct violations involving Constitutional Judge Arsyad Sanusi. In this case, Arsyad Sanusi was held responsible for a meeting with one of his close relatives involved in a case at the Constitutional Court in 2010. This case ended with Arsyad Sanusi resigning from his position as a constitutional judge (Lailam, 2020). A case of ethical violations of the Constitutional Court also occurred in 2013 where M. Akil Mochtar was proven to have violated the Code of Ethics and Behavior of Constitutional Judges. Akil is considered to have violated several Ethical Principles contained in Constitutional Court Regulation No. 09 / PMK / 2006 concerning the Enforcement of the Declaration of the Code of Ethics and Behavior of Constitutional Judges (Constitutional Court of the Republic of Indonesia, 2013).

In addition, there was also a controversial case related to a memo from the Chief Justice of the Constitutional Court Arief Hidayat to the former Deputy Attorney General for Special Crimes in 2016. This case received special attention due to an oral reprimand from the Ethics Council of the Constitutional Court, which was recorded in the Minutes of Examination No. 13/Info-III/BAP/DE/2016 (Lailam, 2020). Cases of ethical violations by Constitutional Court judges did not stop in 2016. In 2023, it was revealed that there was a serious ethical violation committed by Constitutional Judge Anwar Usman. This case relates to the granting of the age requirement for presidential and vice-presidential candidates by the Constitutional Court, where Anwar Usman leads the court (Constitutional Court of the Republic of Indonesia, 2023). In cases of violation of integrity values in the Constitutional Court, the application and issue of constitutional values are important concerns. As the Chief Justice of the Constitutional Court, Anwar

Usman did not carry out the function of leadership (judicial leadership) optimally, which also violated Sapta Karsa Utama and the Principles of Proficiency and Equality.

DISCUSSION

Application and Problems of Constitutional Goals & Values in the Decisions of Constitutional Court Judges

Goals can influence decision-making behavior and social interactions in organizations (Christensen et al., 2007). By understanding and directing decision-making behavior and social interactions according to its objectives, the Constitutional Court can function effectively as a law enforcer and guardian of the Constitution in the government system. In this context, the Constitutional Court was formed to protect the integrity and consistency of the Constitution from potential violations, by the government, legislature, and other institutions (Deu, 2015). The 1945 Constitution of the Republic of Indonesia states clearly in Article 24 C paragraph (1) that one of the powers of the Constitutional Court is to adjudicate at the first and final level to review laws against the Constitution.

Since the Constitutional Court was formed until now, this institution has issued several decisions on requests for judicial review of the Constitution. Of these various decisions, many can be considered proud achievements of the Constitutional Court. The Constitutional Court was formed with the function of ensuring that there will be no more legal products that come out of the corridors of the Constitution so that the constitutional rights of citizens are maintained and the constitutionality of the Constitution itself is protected (Constitutional Court of the Republic of Indonesia, 2015).

However, several decisions of the Constitutional Court have caused controversy because they are considered not to support democratization efforts. Previously, the Honorary Council of the Constitutional Court received 21 reports of alleged violations of the Code of Ethics and Behavior of Constitutional Judges related to Constitutional Court Decision Number 90/PUU-XXI/2023 concerning Review of Law Number 7 of 2017 concerning General Elections (Election Law). After receiving the report, the MKMK held a series of examination hearings and listened to expert and witness statements. One of the results of this examination was the publication of MKMK Decision Number 02/MKMK/L/11/2023 regarding alleged violations of the Code of Ethics and Behavior of Constitutional Judges, especially regarding the Chief Justice of the Constitutional Court Anwar Usman.

The Constitutional Court's decision involving serious ethical violations by Anwar Usman regarding the age requirements for presidential and vice presidential candidates created the view that the decision did not reflect the objectives of the Constitution. The constitution as the highest law in a legal state has the main objectives which include maintaining order, maintaining power, and managing matters relating to the public interest. The purpose of the Constitution involves maintaining a balance between order, power, and freedom. In general, the constitution is directed at achieving justice, order, and the realization of ideal values such as independence and shared prosperity, by the state goals formulated by the state's founders (Sa'adah, 2019).

This controversy has hurt the image of the Constitutional Court as the guardian of the Constitution and an institution that should support democratization (Constitutional Court of the Republic of Indonesia, 2015). When the application of law in the Constitutional Court is not in line with the goals and ideals of the Constitution, it will threaten the authority and legitimacy of constitutional institutions, harm the quality of democracy and democratic principles, increase social conflict, complicate reform efforts

and can harm the sustainability of development. In this case, the assessment of ethical violations has a wider impact on the legitimacy and public trust in the Constitutional Court as an institution that should make decisions that are fair, neutral, and in the spirit of the Constitution (Handayani, 2018; Sudirman L et al., 2019).

Apart from that, the Constitutional Court was formed to uphold constitutional values, strengthen checks and balances mechanisms, create a clean government, and protect the human rights of citizens (Lailam, 2020). In cases of violations of integrity values at the Constitutional Court, the application and issue of constitutional values is an important concern. Anwar Usman's actions which were proven to violate Sapta Karsa Hutama, especially the Principles of Impartiality and Integrity, highlight non-compliance with ethical standards.

The violation of constitutional principles committed by Anwar Usman in the Constitutional Court's decision does not reflect the values of constitutional integrity. The overall impact could damage the reputation of the Constitutional Court as a law enforcement institution that is fair neutral, and has integrity. Constitutional matters are not only related to legal norms but also the morality of a living and developing society. Especially if this problem has an impact on people's lives in general, this is of course based on the impact of the decision, which not only impacts legal aspects but also economic, political, social, cultural, religious, and community life practices (Lailam, 2020).

As an embodiment of ideal values in a country that adheres to constitutional democracy, the administration of a government can be realized, among other things, by granting the right to freedom of opinion and strengthening control mechanisms between state institutions (Asshiddiqie, 2006). This is in line with the roots of the goals of public organizations which lie in a set of values and norms regarding what is considered to be desirable and acceptable attitudes and actions in government and community life (Christensen, et al). This means that constitutional decisions must reach the future of the state and nation, not just stop after the decision is read in a session that is open to the public and uphold the basics of humanity, justice, and civility, strengthening the values of unity to create a democratic system with social justice (Lailam, 2020).

Grand Design of Bureaucratic Reform at the Constitutional Court

The Grand Design for Bureaucratic Reform in the Constitutional Court is an effort to increase efficiency, transparency, and accountability. The main focus is improving internal work processes, improving public services, and ensuring the integrity, and independence of the institution. With the Grand Design for Bureaucratic Reform, it is hoped that the Constitutional Court can become more responsive to the needs of the community and more efficient in carrying out its duties as guardian of the Constitution.

Bureaucratic Reform: Change Management

The Constitutional Court's decision involving serious ethical violations regarding the age requirements for presidential and vice-presidential candidates created the view that the decision did not reflect the objectives of the Constitution. The constitution as the highest law in a legal state has the aim of maintaining a balance between order, power, and freedom. When ethical violations occur by public officials, this can damage public trust in government institutions and create the view that the decisions taken are not under constitutional principles which should prioritize the public interest (Batul & Nst, 2024; Bintang et al., 2023).

In the context of reform in the management of changes in bureaucratic mindsets, work culture, cases of violations of ethics, and behavioral guidelines of the Constitutional Court can give rise to demands for changes in bureaucratic work culture. The condition of low productivity, professionalism, and performance motivation of the apparatus is reflected in unsatisfactory achievements in this area. Change Management Bureaucratic Reform can include increasing integrity and high performance by involving a comprehensive approach, such as ethics training for public officials, enforcing rules and codes of ethics, as well as strengthening the values of integrity in the bureaucratic system.

Bureaucratic Reform: Structuring Legislation

The state guarantees protection for its citizens through judicial institutions that are independent, and impartial, and uphold human rights and equality before the law. The laws that are formed must guarantee protection for all individuals, create solid legal certainty, and be drafted based on the aspirations of the community.

Article 24 C paragraph (1) in the 1945 Constitution of the Republic of Indonesia states firmly that the Constitutional Court has the authority to adjudicate at the first and final level to review laws against the Constitution. Even though the Constitutional Court has achieved proud achievements by providing substantive justice without being shackled to the law in several of its decisions, several Constitutional Court decisions have also caused controversy because they are considered not to support democratization efforts.

In the context of Bureaucratic Reform in Legislative Arrangement, Indonesia needs to make improvements in the formation and integration of all Legislative Regulations so that they are in line with expectations. The main essence that must be accommodated in the justice system is justice, expediency, and protecting the rights of the community as holders of state sovereignty. According to Jimly Asshiddiqie, the values that live in people's cognitive awareness as well as the reality of political, and legal behavior of citizens which are considered ideal habits, and necessity in the life of the nation and state can be benchmarks in testing laws (Asshiddiqie, 2006). The structuring of Legislative Regulations must focus on the interests of the general public, avoiding reflecting the interests of certain groups. Legal certainty, usefulness, and justice that are well accommodated in the laws that are formed are expected to create legal order in society.

Bureaucratic Reform: Structuring and Strengthening Organizations

Bureaucratic reform in the context of structuring and strengthening the Constitutional Court's organization is essential to overcome the problem of violations of ethics, and behavioral guidelines. As the only ethical institution that has a permanent nature, improvements are needed in the institutional structure of the Ethics Council. This step is important to ensure that the supervision of Constitutional Court judges can run optimally (Jurdi et al., 2021).

Through structuring efforts, this institution can improve its organizational structure, ensure that there is an effective monitoring mechanism, and increase accountability, and transparency in every decision taken. Strengthening the organization is an important foundation for overcoming ethical violations by aligning personal behavior with high ethical standards. Bureaucratic reform can be started by reviewing the behavioral and ethical guidelines that apply at the Constitutional Court, as well as consistently enforcing these rules. Strengthening the organization includes the formation of an internal ethics committee which is responsible for monitoring and evaluating the

behavior of Constitutional Court members, as well as providing strict sanctions in cases of violations.

Apart from that, bureaucratic reform could also involve developing ongoing ethics training programs for Constitutional Court members, so that they have a deep understanding of the ethical principles that must be upheld in carrying out their duties. Strengthening the organization can also involve implementing an ethical violation reporting system that is easily accessible and protected so that Constitutional Court members can safely report or disclose violations they witness. Through bureaucratic reform, especially in structuring and strengthening the organization, the Constitutional Court can establish itself as an institution that upholds integrity, ethics, and legal principles. These steps will help build public trust, increase the Constitutional Court's credibility as a guardian of the Constitution, and make a positive contribution to improving the constitutional justice system in Indonesia.

Bureaucratic Reform: Management Arrangements

Bureaucratic reform in structuring the administration of the Constitutional Court has become imperative following violations of the code of ethics and behavioral guidelines by Constitutional Court judges. The main objective of this reform is to create systems, processes, and work procedures that are clear, effective, efficient, measurable, and under the principles of good governance. The application of good governance principles not only has the potential to prevent bureaucratic pathology, especially corruption, collusion, and nepotism but can also produce an efficient bureaucracy (Maolani et al., 2022).

It is necessary to carry out a thorough evaluation of the regulations and guidelines governing the ethics and behavior of judges at the Constitutional Court. This reform includes reformulating or strengthening ethical rules that are more comprehensive and provide strict sanctions for violations. Furthermore, bureaucratic reform needs to focus on structuring management, including establishing an internal monitoring system and performance evaluation mechanisms for Constitutional Court judges. Recruitment processes, performance appraisals, and position rotation arrangements need to be updated to be more fair and objective. In addition, reform must include strengthening capacity through regular ethics and good governance training programs for all Constitutional Court personnel. This aims to ensure that judges and administrative staff have a deep understanding of ethical values, and good governance principles in carrying out their duties.

Bureaucratic Reform: Apparatus Human Resource Management

The actions of former chief justice of the Constitutional Court Anwar Usman, who was proven to have violated the Sapta Karsa Utama, especially the Principles of Impartiality and Integrity, have highlighted non-compliance with ethical standards and hurt the image of the Constitutional Court as the guardian of the constitution and an institution that should support democratization. This controversy reflects the need for bureaucratic reform, especially in the management of human resources (HR) apparatus. Bureaucratic reform is crucial so that institutions, such as the Constitutional Court, can carry out their functions effectively and by high ethical standards. Good HR management can create a professional, transparent, and accountable work environment, thus preventing the recurrence of ethical violations.

By carrying out bureaucratic reform in the area of HR management, institutions such as the Constitutional Court can ensure that their personnel are selected based on high

integrity and competence, making them better able to carry out their duties as upholders of the Constitution and supporting democracy. Bureaucratic reform in terms of structuring human resources for the apparatus is a crucial step to improve the image of the institution and build public trust in the sustainability of the democratization function.

Bureaucratic Reform: Strengthening Supervision

The supervision carried out by the Constitutional Court Ethics Council on the behavior of constitutional judges is not yet optimal. This is caused by a lack of clarity in the legal basis for the delegation of authority of the Ethics Council, which is currently only regulated through the Constitutional Court's internal regulations. Concerns arise because the Ethics Council was formed by the Constitutional Court's institution, which could give the impression that this institution may be more inclined to protect constitutional judges than to provide objective oversight (Febriansyah & Prayitno, 2023).

When the application of law in the Constitutional Court is not in line with the goals and ideals of the Constitution, it will threaten the authority and legitimacy of constitutional institutions, harm the quality of democracy and democratic principles, increase social conflict, complicate reform efforts and can harm the sustainability of development. In cases of violations of the code of ethics and behavioral guidelines by Constitutional Court judges, showing an assessment of ethical violations has a wider impact on the legitimacy and public trust in the Constitutional Court as an institution that should make decisions that are fair, neutral, and by the spirit of the constitution (Handayani, 2018; Sudirman L et al., 2019).

The lack of explicit regulations regarding the institutional structure of the Ethics Council in PMK No. 2 of 2014 is an obstacle because a clear description of the structure of internal supervisory institutions is very necessary to ensure the effectiveness of supervision. Currently, the supervision carried out by the Ethics Council is considered not optimal, while the large authority and broad impact of the Constitutional Court's decisions put pressure on constitutional judges. Several legal cases involving Constitutional Court judges show that there were attempts to bribe, pressure, and pressure on constitutional judges (Febriansyah & Prayitno, 2023; Jurdi et al., 2021). Therefore, the existence of optimal ethics supervisors is considered very important to maintain the integrity and independence of constitutional judges and ensure public trust in the Constitutional Court as a constitutional enforcement institution.

Strengthening the supervision of every Constitutional Court decision is an important basis for maintaining the sustainability of democracy and law enforcement. An effective oversight mechanism helps prevent abuse of power, provides guarantees of public accountability, and ensures that the Constitutional Court's decisions are always based on constitutional principles and human rights that are free from Corruption, Collusion, and Nepotism.

Bureaucratic Reform: Strengthening Performance Accountability

Bureaucratic reform by strengthening the accountability of the Constitutional Court's performance becomes very important after violations of the code of ethics and behavioral guidelines by Constitutional Court judges. These steps are necessary to restore public trust, improve the integrity of the institution, and ensure that similar cases do not recur in the future. It is necessary to carry out a thorough evaluation of the regulations and internal monitoring mechanisms currently in force at the Constitutional Court.

These reforms include refining or updating ethical rules and codes of conduct, as well as increasing transparency in the supervisory process. Accountability for the performance of Constitutional Court judges must be clarified and strengthened, including strict sanctions for ethical violations. Strengthening accountability could also involve establishing or strengthening an independent internal monitoring institution, whose task is to closely monitor the behavior and performance of Constitutional Court judges. This institution can act as an effective control mechanism and provide periodic reports to the public so they can be accessed openly.

Strengthening the accountability of the Constitutional Court's performance following ethical violations by Constitutional Court judges will help convince the public that the institution is truly improving itself and taking the necessary steps to prevent the recurrence of similar violations in the future. These steps also support transparency, integrity, and good governance, which are important pillars in maintaining public trust in constitutional judicial institutions.

Bureaucratic Reform: Improving the Quality of Public Services

The importance of bureaucratic reform in public services at the Constitutional Court institution becomes very crucial, especially when cases of repeated violations of the code of ethics and behavioral guidelines occur. This reform covers various aspects that have the potential to bring positive change, and its relationship with the Constitutional Court is very close. These reform steps are an important basis for maintaining integrity, rebuilding public trust, and ensuring that the Constitutional Court continues to carry out its function of upholding the Constitution. By strengthening the accountability system, the Constitutional Court can ensure that judges and its personnel are responsible for their actions, creating a work environment that is in line with the principles of good governance.

Transparency is also the focus of reform, by providing wider access to the public regarding court processes, decisions, and behavioral guidelines. This not only increases public understanding of the Constitutional Court's functions but also provides clarity regarding the norms and standards that must be upheld by members of the institution. Overall, bureaucratic reform in the Constitutional Court's public service is not just a response to ethical violations but is also a strategic step to rebuild public trust, maintain institutional integrity, and ensure the continuation of the Constitutional Court's role as a strong and independent upholder of the Constitution.

CONCLUSIONS

Based on the discussion described above, several points can be concluded. First, since the post-reform amendments to the 1945 Constitution, the Constitutional Court has been born as the highest judicial institution, which essentially opposes all forms of corruption, collusion, and nepotism among state administrators. If there have been four amendments to the 1945 Constitution after reform, but deviations from the law in the highest judicial institutions continue to occur, then law enforcement in Indonesia after bureaucratic reform is still far from good.

Second, justice boils down to the Constitutional Court as the protector of the Constitution. The constitutional code of ethics is the basis for maintaining the principles of constitutionality and guiding the behavior of law enforcers. If ethical violations by law enforcers or constitutional judges become something that is considered normal, injustice will continue to be felt in this country. This means that the Nawacita agenda, which

guarantees the presence of the state in carrying out system reforms and law enforcement that is free of corruption, dignified, and trustworthy, has not been implemented. The main challenge stems from the bureaucracy's inability to serve the public interest.

Third, violations of ethics and behavioral guidelines by Constitutional Court judges indicate a serious challenge to the integrity of the institution. Bureaucratic reform at the Constitutional Court is an urgent necessity to restore the dignity of the Court. It requires not only a conceptual plan without clear action and implementation but also an attitude of integrity and independence, as well as cooperation between constitutional judges in upholding justice to serve the interests of the nation and state. By carrying out comprehensive bureaucratic reform, the Constitutional Court can ensure that the institution carries out its duties as an enforcer of the Constitution with integrity, transparency, and compliance with constitutional values. This reform is not only a response to cases of violations but also a strategic step to improve the image of the Constitutional Court and ensure its positive contribution to the Indonesian constitutional justice system.

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