



## ANALYSIS OF THE CONSTITUTIONAL COURT'S DECISION REGARDING THE AGE LIMIT FOR PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES

Arlen Citra Narindra<sup>1</sup>, Fathimah Natia Salsabila<sup>2</sup>, Nazwa Ayuni<sup>3</sup>, Rayyan Muhammad Aulia<sup>4</sup>

<sup>1</sup>.Faculty of Law, President University, Indonesia. E-mail: [arlen.narindra@student.president.ac.id](mailto:arlen.narindra@student.president.ac.id)

<sup>2</sup>.Faculty of Law, President University, Indonesia. E-mail: [fathimah.salsabila@student.president.ac.id](mailto:fathimah.salsabila@student.president.ac.id)

<sup>3</sup>.Faculty of Law, President University, Indonesia. E-mail: [nazwa.ayuni@student.president.ac.id](mailto:nazwa.ayuni@student.president.ac.id)

<sup>4</sup>.Faculty of Law, President University, Indonesia. E-mail: [rayyan.aulia@student.president.ac.id](mailto:rayyan.aulia@student.president.ac.id)>

| Article  | Abstract  |
|--|---|
| <p><b>Keywords:</b><br/>Constitutional Court;<br/>President; age limit;<br/>nepotism; ethics</p> <p><b>Article History</b><br/>Received: Jan 15, 2020;<br/>Reviewed: Jan.19, 2020;<br/>Accepted: Jan.22, 2020;<br/>Published: Feb.10, 2020</p> | <p>The constitutional court or commonly abbreviated (MK) is the guardian of the constitution in the scope of Indonesian state administration. In this case the constitutional court is tasked with reviving the constitution and enforcing it if there are violations that occur. Indiscriminately and remain straight on the existing codification. However, recently, the Constitutional Court was shaken by an extraordinary new problem that had never been experienced before. The impact of this case finally dragged the chief judge Anwar Usman down from his position. This research will discuss the problem of the decision handed down by the Constitutional Court on the judicial review of Law Number 7 of 2017 concerning General Elections in determining the minimum age limit for the president which finally dragged the Chief Justice of the Constitutional Court for violating ethics and allegations of nepotism.</p> |

## 1. INTRODUCTION

Constitution is all the provisions and rules about the state administration (basic laws and so on). Furthermore, the definition of a constitution is a basic agreement in the formation of an organisation that may initially be unwritten, but is set out in written form or other special formats in line with the times. According to Sri Soemantri Martosoewignjo, the constitution can be interpreted in a narrow and broad sense. In the narrow sense, the constitution is set out in a document, such as a basic law. Then, in a broad sense, the constitution describes the entire constitutional system of a country, namely in the form of a collection of rules that form, regulate, or govern the state. Some of these rules are written as decisions of authorised bodies and some are unwritten, in the form of usages, understandings, customs, or conventions.

According to Jimly Asshiddiqie, the notion of constitution includes the notion of written rules, customs, and state conventions that determine the composition and position of state organs, regulate relations between state organs and rules about the relationship between state organs and citizens. Indonesia as a country has a strong constitutional basis. So of course in this case Indonesia has a constitutional guardian. The guardian of the constitution in Indonesia is the Constitutional Court. In Article 1 paragraph 1 of Law Number 24 of 2003 concerning Constitutional Court that:

*“The Constitutional Court is one of the actors of judicial power as referred to in the 1945 Constitution of the Republic of Indonesia”.*

Which indicates that the Constitutional Court in this case is the guardian of the constitution is also one part of the judiciary in Indonesia. As we know, Indonesia adheres to the trias politica where there is a separation of powers and one of them is the judiciary which is a judicial institution in Indonesia.

It has been almost 20 years since the constitutional court became one of the judicial powers in Indonesia. In practice, the constitutional court is a special court that only deals with constitutional issues. For example, the Constitutional Court is tasked with dealing with election disputes. Disputes over general election results or better known as disputes over general election results are disputes between general election participants and the KPU as the election organiser regarding the national determination of the vote count.

Election organizer regarding the national determination of the vote results of the general election by the KPU. The Constitutional Court also deals with disputes over the authority of state

institutions. An institution in a broad sense is any individual or organisation that has a specific function to achieve state goals. Whereas in a narrow sense, every individual can be said to be a state organ or institution if they personally have a certain legal position to do something on behalf of the state. Each state institution certainly has limited exclusive authority as stated in the foundation of the rules for the establishment of the state institution.

This is a manifestation of the limitation of power in a democratic state. Furthermore, these state institutions certainly have their respective authorities. However, this authority can cause problems or what is commonly called the State Institution Authority Dispute or commonly abbreviated as SKLN. Disputes over authority between state institutions arise due to several factors, including the following:

- 1) The lack of a system that regulates and accommodates inter-institutional relations, which often leads to differences in interpretation that then lead to disputes.
- 2) The mechanism of horizontal inter-institutional relations since the amendment of the 1945 Constitution of the Republic of Indonesia. The MPR no longer serves as the highest state institution and the President, DPR, DPD, BPK, MK, MA serve as high state institutions.
- 3) Relationships between state institutions are based on the principle of checks and balances. The implementation of the separation of powers is intended to limit power so that there is no domination of power over one state institution against another state institution. If there are differences in interpreting the mandate of the 1945 Constitution of the Republic of Indonesia, it is possible for disputes to occur in exercising the authority of each state institution.
- 4) The norms that determine the state institutions regulated in the 1945 Constitution of the Republic of Indonesia are increasingly widespread. These institutions are not limited to the MPR, DPR, President, BPK, DPA and MA. Instead, it is determined that there are new state institutions, namely the TNI, the National Police, the DPD, the Election Commission, the Constitutional Court, the Judicial Commission, and others.

Furthermore, the constitutional court also has the right to hear the dissolution of political parties. According to Jimly Asshiddiqie, political parties are the main pillars of democracy. Therefore, a political party must be strong and sturdy in order for the democracy it supports to be sturdy as well. That is why fair legal signs are needed to regulate the procedures for the establishment and dissolution of political parties. Actually, the reasons for the dissolution of

political parties have not been clearly regulated in Law Number 2/2008 on Political Parties as described above.

As described above. Clear provisions regarding the reasons for the dissolution of political parties can be found in the provisions of Article 50 of Law Number 2 year 2008 Concerning Political Parties that use their political parties to carry out activities as referred to in Article 40 paragraph (5) are prosecuted under Law Number 27 year 1999 Concerning Amendments to the Criminal Code relating to Crimes Against Humanity. Criminal Law relating to Crimes Against State Security in Article 107 letter c, letter d, or letter e, and the Political Party can be dissolved.

The provisions contained in Article 107 letters c, d, and e relate to the prohibition of adhering to and developing the teachings of communism/Marxism-Leninism. Develop the teachings of communism/Marxism-Leninism. In addition to embracing and developing the teachings of communism/Marxism-Leninism, the reasons for the temporary suspension of political parties can also be interpreted as reasons for the dissolution of political parties. Reason for the dissolution of a political party. This means that a political party can be dissolved on the grounds that it has been proven to do the following things:

- 1) Activities that are contrary to the 1945 Constitution of the Republic of Indonesia and laws and regulations.
- 2) Activities that endanger the integrity and safety of the Unitary State of the Republic of Indonesia Republic of Indonesia.

Lastly, judicial review of laws. The constitutional court in this case has the right and authority to conduct judicial review of laws as a form of its specialty. Judicial review is the process of testing lower legislation against higher legislation carried out by the judiciary. In practice, judicial review of laws against the 1945 Constitution is conducted by the Constitutional Court (MK). Meanwhile, judicial review of laws and regulations under the law against the law is conducted by the Supreme Court (MA).

Regarding judicial review to the Constitutional Court, applicants are parties who consider their constitutional rights and/or authorities to be impaired by the enactment of laws, namely:

- 1) Individual Indonesian citizens;
- 2) Customary law communities as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia as regulated by law;

- a. Public or private legal entities; or
- b. State institutions;

Recently, Indonesia was shocked by a request for a judicial review of Article 168 paragraph 2 of the Election Law related to the open proportional election system. The petitioners mentioned earlier considered that the open proportional system brought more harm, because it would make candidates from one party to elbow each other in order to get the most votes. However, after quite a while, it was finally decided that the proportional system to be used was still an open proportional system.

Then approaching the nomination of the president and vice president for the 2024 elections, a new judicial review petition emerged, namely the judicial review of Article 169 letter q of Law Number 7 Year 2017 on General Elections. The content of this article states that the lowest age to become a candidate for president and vice president is 40 years old. Then in the process, the Constitutional Court decided to grant part of the petition, namely stating that Article 169 letter q of Law Number 7 Year 2017 concerning General Elections which states, 'at least 40 (forty) years old' is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force, as long as it is not interpreted as 'at least 40 (forty) years old or has / is currently occupying an office elected through general elections including regional head elections'.

This was conveyed by the Chairman of the Constitutional Court (MK) Anwar Usman reading out the decision. However, this has drawn pros and cons because Anwar Usman is considered tolerant and prioritizes personal gain, thus overriding the code of ethics. In this research, we will discuss this case. It will be explained whether the decision is relevant and whether what Anwar Usman did is also included as nepotism. It is hoped that this journal will be able to add insight and ways of thinking to the community.

## 2. RESEARCH METHODS

The research used "Normative Juridical Legal Research" in accordance with Soerjono Soekanto's opinion that legal research is carried out by examining secondary materials or library materials or library legal research, through searching for books, laws, literature, and other legal materials.<sup>1</sup>

## 3. ANALYSIS AND DISCUSSION

### 3.1. ETHICS

Indonesia as a country with local wisdom certainly understands what ethics is. In language, the word 'ethics was born from the Greek ethos, which means the appearance of a habit. In this case, the perspective object is the deeds, attitudes, or actions of humans. The definition of ethics specifically is the science of the attitudes and morals of an individual in a social environment that is thick with rules and principles related to behaviors that is considered correct. While the definition of ethics in general is the rules, norms, rules, or procedures that are commonly used as guidelines or principles for an individual in carrying out actions and behaviors. The application of this norm is closely related to the good and bad character of individuals in society.

Thus, Ethics is the study of good and bad as well as obligations, rights, and responsibilities, both socially and morally, for each individual in their social life. Or it can also be said that ethics includes values related to individual morals regarding right and wrong. There are many types of ethics that we can find in the surrounding environment, for example, ethics in making friends, professional or work ethics, ethics in the household, ethics in doing business, and the like. Ethics, of course, must be owned by every individual and is very much needed in socialising which is a bridge to create a good condition in social life.

Speaking of ethics, we already know that there is something called professional ethics. Professional ethics refers to a set of values, principles, and moral norms that govern the behaviors and actions of individuals in the context of their profession. It is a moral guide that helps professionals make informed, responsible, and ethical decisions in carrying out their duties.

Professional ethics covers various aspects, including:

- 1) Code of Ethics

---

<sup>1</sup> Soerjono soekanto, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, (RajaGrafindo Persada, Jakarta, 2011, hal.12)

Usually, every profession has a code of ethics that provides guidelines and rules for its members to follow. This code of ethics explains the values expected of professionals and describes the standards of behaviors expected of them.

2) Public Trust

Professional ethics also involves building and maintaining public trust in a profession. Professionals should be responsible for maintaining the reputation and integrity of their profession by performing their duties with honesty, intelligence, and necessary expertise.

3) Client or Patient Interests

Professionals should give priority to the interests of their clients or patients. They should maintain confidentiality, uphold privacy, and carry out their obligations to the best of their ability for the benefit of the individuals or groups they serve.

4) Integrity and Professionalism

Professional ethics emphasize the importance of personal and professional integrity. Professionals must behave honestly, fairly, and consistently with the moral values and ethical standards accepted in their profession. They should also be committed to continually improving and developing their professional expertise.

5) Social Responsibility

Professional ethics involves a professional's social responsibility to society at large. Professionals are expected to consider social, environmental, and general welfare impacts in their decision-making.

Here are the Principles of Professional Ethics

1) Integrity

The principle of integrity emphasizes the importance of honesty, truthfulness, and consistency in professional conduct and actions. Professionals are expected to maintain high moral standards, respect the profession's code of ethics, and behave with personal and professional integrity.

2) Competence

The principle of competence refers to the obligation of professionals to acquire the knowledge, skills, and expertise necessary to perform their duties well. Professionals are expected to keep up with the latest developments in their field, continue to learn, and improve their ability to provide quality services to clients or patients.

### 3) Trust and Confidentiality

The principles of trust and confidentiality emphasize the importance of maintaining the privacy, confidentiality and security of client or patient information. Professionals have an ethical obligation to protect the personal and confidential information they obtain during the performance of their professional duties, except in cases governed by law or professional codes of ethics.

### 4) Client or Patient Interests

This principle asserts that the interests and welfare of the client or patient should be placed above personal or other interests. Professionals are expected to provide competent, useful, and fair services to those they serve, taking into account their wishes, values, and rights.

### 5) Objectivity and Fairness

The principles of objectivity and fairness require professionals to behave fairly and objectively in every situation. They are expected to consider multiple points of view, treat all individuals with respect, and avoid discrimination or unfair treatment.

### 6) Social Responsibility

The principle of social responsibility refers to the obligation of professionals to consider social, environmental and general welfare impacts in their actions and decisions. They are expected to contribute to the development of a better and sustainable society, and to be mindful of broader ethical issues that may affect the profession and society as a whole.

After seeing how professional ethics is, of course every professional ethics has a code of ethics, one of which is a judge. The code of ethics for judges is a guideline for Indonesian judges in carrying out their professional duties to realise justice and truth in their relationships as members of society who must be able to provide examples and role models in compliance and obedience to the law. Judges' code of ethics is a set of ethical norms for judges in carrying out their duties and functions in receiving, examining, adjudicating and resolving cases. The code of ethics also establishes ethical norms for judges in the social system within and outside the institution.

Based on their authority and duties as the main actors of court functions, judges' attitudes are symbolised in kartika, cakra, candra, sari, and tirta. This is a reflection of the behaviour



of judges that must always be implemented and realised by all judges. The underlying principle of the Judge's code of ethics is the Almighty God, where the practice of behaviour is in accordance with each religion and belief according to the basis of a just and civilised humanity. The magnitude of authority and high responsibility of Judges is shown through court decisions that are always pronounced with the irah-irah "For the Sake of Justice Based on God Almighty". This indirectly confirms that the obligation to uphold justice is not only accountable to fellow humans, but also to God Almighty.

This code of ethics and code of conduct for judges is a guide to moral virtues for judges in carrying out their professional duties and in community relations outside the court. The profession of Judges is a profession that demands the fulfilment of moral values and their development. Moral values are the force that leads and underlies noble actions. Every professional is required to have strong moral values including Judges. There are five criteria of moral values that underlie the professional personality of Judges, namely honesty, authenticity, responsibility, moral independence, and moral courage. When Judges perform their duties, they are limited by applicable legal norms and must comply with the provisions of professional ethics contained in the professional code of ethics for Judges. Every Judge also has a code of conduct that must be guided by which is the value contained in the code of ethics and code of conduct for Judges.

Knowing this makes us understand that the code of ethics or ethics of the legal profession is very important. But there are still many of the judges concerned who openly violate it. Anwar Usman is one of them. The Honorary Council of the Constitutional Court (MKMK) finally decided 21 reports of alleged violations of the ethics and behaviors of constitutional judges reported by the public. Of the 4 decisions read out, one of them was Decision No.2/MKMK/L/11/2023 with the reported Chief Justice of the Constitutional Court, Anwar Usman. Member of the Constitutional Court Honorary Council, Wahid Uddin Adams said, in the consideration of the Constitutional Court Honorary Council, although the authority of the MKMK includes all efforts to maintain the nobility and dignity of the Constitutional Court, it does not have the authority to judge the law. Moreover, the validity of the Constitutional Court's decision.

### **3.2. INDONESIA AS A CONSTITUTIONAL STATE**

Indonesia, as a state of law with character, certainly has a strong and resilient constitution. It has been more than 70 years since Indonesia gained its independence. It is not an easy matter to build this country. It is not a matter of planting a flag and living a proclamation. But this country grew and was born from the results of sweat and blood with a time that is not short but more than 350 years. So you can imagine how determined the hearts of the fighters were to wait for the day when Indonesia became independent.

Indonesia is one of the constitutional states, in fact almost all countries in the world have a written constitution or Constitution that generally regulates the formation, division of authority and the workings of various state institutions as well as the protection of human rights.

Countries that are categorized as having no written constitution are the United Kingdom and Canada. In these two countries, the basic rules for all state institutions and all human rights are found in customs and are also scattered in various documents, both relatively recent and very old documents such as the Magna Charta dating from 1215 which contains guarantees of the human rights of the British people. Because the provisions of statehood are scattered in various documents or only live in the customs of the people, the UK is categorized as a country with an unwritten constitution.

In almost all written constitutions, the division of power is regulated based on the types of power, and then based on the types of power, state institutions are formed. Thus, the type of power needs to be determined first, and then the state institutions responsible for exercising that particular type of power are established. Almost all written constitutions provide for the division of powers based on the types of powers, and then based on the types of powers, state institutions are established. Thus, the type of power needs to be determined first, and then the state institutions responsible for exercising that particular type of power are established.

Several scholars have expressed their views on the type of task or authority, one of the most prominent is Montesquieu's view that state power is divided into three types of power that must be strictly separated. The three types of power are:

- 1) The power to make laws (legislative)
- 2) The power to execute laws (executive)
- 3) Judicial power (judiciary).

Another view on the type of power that needs to be divided or separated in the constitution was expressed by van Vollenhoven in his book *Staatsrecht over Zee*. He divided power into four types, namely:

- 1) Government (bestuur)
- 2) Legislation
- 3) Police
- 4) Courts.

Van Vollenhoven considered that executive power was too broad and therefore needed to be broken down into two more types of power, namely governmental power and police power. According to him, the police hold the type of power to oversee the implementation of the law and if necessary, force to implement the law.

Wirjono Prodjodikoro in his book *Azas-azas Hukum Tata Negara di Indonesia* supports Van Vollenhoven's idea, and he even proposes to add two more types of state power, namely the power of the Prosecutor's Office and the Financial Auditor's Power to examine state finances and become the fifth and sixth types of power.

### **3.2.1. The Theory of Constitutional Law**

Based on the theory of constitutional law described above, it can be concluded that the type of state power regulated in a constitution is generally divided into six and each power is managed by a separate body or institution, namely:

- 1) Power to make laws (legislative)
- 2) Power to execute laws (executive)
- 3) Judicial power (judiciary)
- 4) Police power
- 5) Prosecutorial power
- 6) Power to audit state finances

The constitution of a country is essentially the highest basic law that contains matters concerning the administration of the state, therefore a constitution must have a more stable nature than other legal products. Moreover, if the soul and spirit of the implementation of state administration are also regulated in the constitution, changes to the constitution can bring major changes to the system of state administration. It could be that a democratic country turns into an authoritarian one because of changes in its constitution.

As explained earlier, that the constitution is advised as a basic rule that regulates life in the state and nation, it should be made on the basis of mutual agreement between the state and citizens. The constitution is part of the creation of a democratic life for all citizens. If a country chooses democracy, then a democratic constitution is a rule that can guarantee the realization of democracy in that country. Any constitution that is classified as a democratic constitution must have the basic principles of democracy itself.

Sometimes the people's desire to make changes to the constitution is something that cannot be avoided. This happens when the mechanism of state administration regulated in the applicable constitution is no longer in accordance with the aspirations of the people. Therefore, the constitution usually also contains provisions regarding changes to the constitution itself, which then the procedure is made in such a way that the changes that occur are truly the aspirations of the people and not based on arbitrary and temporary desires or the wishes of a mere group of people.

There are basically two kinds of systems that are commonly used in constitutional practice in the world in terms of constitutional change. The first system is that if a constitution is amended, then what will apply is the constitution that applies as a whole (replacement of the constitution). This system is adopted by almost all countries in the world. The second system is that if a constitution is amended, the original constitution remains in force. The amendment to the constitution is an amendment to the original constitution. In other words, the amendment is or becomes part of the constitution. This system is adopted by the United States of America.

As has been carefully explained, Indonesia has had a complicated relationship with the constitution, but the country has persisted with the constitution and continued to develop it. Apart from that, Indonesia has a constitutional court that contributes to maintaining or overseeing the constitution in Indonesia. The Constitutional Court has complex but important duties and powers.

### **3.3. THE CONSTITUTIONAL COURT AND THEIR PROBLEMS**

The Constitutional Court is one of the actors of judicial power as referred to in the 1945 Constitution of the Republic of Indonesia. The main function and role of the Constitutional Court is to protect the constitution in order to uphold the principle of legal constitutionality. This is the basis of countries that accommodate the establishment of the Constitutional Court

in their constitutional system. In order to safeguard the constitution, the function of judicial review can no longer be avoided in Indonesia because the 1945 Constitution confirms that the system is no longer the supremacy of parliament but the supremacy of the constitution.

In fact, this also happened in other countries that previously adhered to the parliamentary supremacy system and later turned into democracies. The Constitutional Court was established with a function to ensure 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 constitution itself is safeguarded.

To test whether or not a law conflicts with the constitution, the agreed mechanism is judicial review, which is the authority of the Constitutional Court. If a law or one part of it is proven to be inconsistent with the constitution, then the legal product will be cancelled by the Constitutional Court. So that all legal products must refer to and must not contradict the constitution. Through this judicial review authority, the Constitutional Court carries out its function of guarding so that there are no more legal provisions that go out of the corridors of the constitution.

Talking about this, is the spirit of the Constitutional Court actually the same? Considering that in the political year of 2023 there were two things that surprised many parties. First, the proportional electoral system which is considered irrelevant. Second, the most surprising is the judicial review of the General Election Law on the limit of presidential and vice-presidential candidates, which is suspected to be full of extraordinary elements of intrigue. This can be said so because the position of the chief judge of the constitutional court, Anwar Usman, is very different. He has family ties with the president and one of the presidential candidates. This certainly raises a polemic because how could the judiciary favors one of the vice-presidential candidates?

Is this ethical? Does this not violate the judicial code of ethics? Are those under 40 years old not allowed to be president? If we peel one by one then the answer is, actually the Election Law suggests that those who are 40 years old running for president or vice president can be said to have mature thinking and possibly a lot of experience. However, age cannot determine what has been mentioned. If you think about it, whether or not a candidate for president or vice president is eligible is not limited to how old they are but how capable they are of leading this country.

Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) mandates, "Everyone has the right to freedom of association, assembly, and expression." In this case, the submission of the judicial review is indeed permissible, but does the presidential age limit violate human rights? Because we are indirectly violating their rights to associate. Because Article 169 letter d of the Election Law regulates additional norms to "never betray the state, never commit a criminal act of corruption, do not have a track record of committing past gross human rights violations, are not persons involved and / or part of the abduction of activists in 1998, are not persons involved and / or perpetrators of enforced disappearances, have never committed a crime of genocide, are not persons involved and / or perpetrators of crimes against humanity and anti-democratic acts, and other serious criminal acts." It is the applicant's contention in this judicial review that any member of the public who is under or over 40 years of age and fulfils the conditions set out in Article 169(d) should be allowed to run for office.

But we also have to look at the decision of the constitutional court regarding this matter that those who want to run as presidential and vice presidential candidates must not hold any office. The only problem is that this decision came out when the nephew of the chief judge, Anwar Usman, was serving as mayor of Solo and with the issuance of the decision, the solo mayor immediately relinquished his position and ran as a vice presidential candidate. The culmination of this comedy looks deliberate so that Anwar Usman was removed from his position because in accordance with the provisions of the judge must be neutral even though it is his family. So that these indications appear. Does this indicate that the solo mayor cannot be a candidate for president or vice president? And is it not allowed for a chief judge of the constitutional court to decide material test cases? The answer is yes! But look at our position. We should be aware that the political year is a hot year so it is not safe to behave like that and it will always be unsafe if our position is as a judge of the highest judicial institution because our attitude must be neutral.

#### **4. CONCLUSIONS**

What needs to be considered in realizing a good judiciary is neutralism. In this case we cannot prioritize ego and put aside a sense of justice. Because as a judge, we should use good faith. Keep in mind, this good faith is not for ourselves but for everyone because the decisions we decide are permanent and final so that they will be used as a reference, especially when it

comes to changing laws. This also indicates that there is a lack of a clear code of ethics for each judge so that the dignity of the judiciary is threatened and not implemented.

The allegation of nepotism will be strengthened because the president, presidential candidate and chief judge of the constitutional court seem to be a dynasty of power that is not allowed either by regulation or ethics. So, the demotion of Anwar Usman is a strict impact of the ethical violations he committed.

## **REFERENCES**

### **Journals**

Widayati, “*Pembubaran Partai Politik Dalam Sistem Ketatanegaraan Indonesia*”, Jurnal Hukum Vol. 16, No. 2, August 2011.

Wilius Kogoya, *Teori dan Ilmu Konstitusi*, (Widina Bhakti Persada 2015). Fajrudin, “*Arti Penting Konstitusi Dalam Sebuah Negara*”, al Qisthâs; Jurnal Hukum dan Politik, Vol. 8 No. 1 January – June 2017

Keisya Kalyana Mahdy, “*Peran Mahkamah Konstitusi Dalam Penyelesaian Sengketa Kewenangan Antar Lembaga Negara (Skln)*”, Sovereignty : Jurnal Demokrasi dan Ketahanan Nasional | Vol. 1, No.4, 2022.

### **Books**

Lagiono, *Etika Profesi*, (Pusat Pendidikan Sumber Daya Manusia Kesehatan Badan Pengembangan Dan Pemberdayaan Sumber Daya Manusia Kesehatan 2017).

Ramlan Surbakti, *Penanganan Sengketa Pemilu* (Kemitraan bagi Pembaruan Tata Pemerintahan 2011)

Kamus Besar Bahasa Indonesia (KBBI)

### **Legal Documents:**

Law Number 27-year 1999 Concerning Amendments to the Criminal Code relating to Crimes Against Humanity (The Republic of Indonesia State Gazette Year 1999 Number 74, Annotation 3850)

Law number 24 Year 2003 concerning Constitutional Court (The Republic of Indonesia State Gazette Year 2004 Number 98, Annotation 4316)

Law Number 2 year 2008 Concerning Political Parties (The Republic of Indonesia State Gazette Year 2008 Number 2, Annotation 4801)