

INTERPRETATION OF THE 'FINAL AND BINDING' CONSTITUTIONAL COURT DECISION FROM DEONTIC LOGIC PERSPECTIVE

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ABSTRACT

A constitutional court that is legally established based on the mandate of Undang- Undang Dasar 1945 has the authority to carry out its role as a judicial institution. Based on the Statute number 8 year 2011 concerning the Constitutional Court of the Republic of Indonesia, it has been explained that the decisions issued by the Constitutional Court Judges are 'final and binding'. This study aims to answer theoretical problems arising from the application of the Constitutional Court Decision which is final and binding. For this reason, in this study, the author will conduct a conceptual study regarding the interpretation of the final and binding nature of the Constitutional Court decision through the perspective of the deontic logic theory that put forward by Immanuel Kant. These issues need to be concern because of the Constitutional Court decision that not appear in the statutory hierarchy explicitly although it recognized as a new form of legally binding statute when the judge issued their decision. This condition make the judiciary find difficulty to use them as one of the legal basis. The fulfillment of the two categorical imperative principles (the principle of universality and humanity) contained in deontic logic makes the phrase 'final and binding' as a maxim which have a general truth value and can be a reference for actions that have moral values that will show the legal force from Constitutional Court Decision. This article is prepared based on normative legal research methods and using an etic approach. Based on this analysis, it can be concluded that the decisions issued by the Constitutional Court are final and binding for all individuals and institutions that are the legal subjects.

Keywords: Categorical Imperative, Deontic Logic, Final and Binding , the decision of the Constitutional Court.

INTRODUCTION

In his book "Groundwork of the Metaphysic of Moral", Kant called human beings as rational beings who make their best decisions based on their respective rational choices (Kant, Gregor, & Timmermann, 2012). Kant's nature of deontic logic emphasizes that every human being as a rational being then has autonomy over his own decisions, which is not only derived from analysis but also from what Kant calls a priori knowledge (Korsgaard, 1996, p. 10). The decision to take an action becomes an obligation or responsibility of each and the judgment about the right or wrong of the action is influenced by what is the general truth in society.

The perspective of obligation put forward by Kant, the Indonesian people should adhere to the 1945 Constitution to carry out their role as a law-abiding society. Because basically, this principle tells us about what we must do as a form of our obligations (Djunyanto Thriyana, 2016). The concept of obligation obliges everyone to submit to the only legal constitution recognized in this country. Furthermore, according to Kant, obedience to the applicable law becomes a manifestation of the application of moral metaphysics. The actions we take as rational beings based on our own rational choices will show whether these actions have moral value.

Carrying out the life of the state, responsible actions and in accordance with moral values are important to ensure the fulfillment of the rights and obligations of citizens in accordance with the applicable law. Therefore, the founders of the Republic of Indonesia also consciously incorporated the moral values contained in Pancasila as the basic norm into the constitution (Jimly Asshiddiqie, 2006a, p. 202). It is in the constitution that our rights and obligations as citizens are stated and it is also in that constitution that the mandate is for the government to carry out its role. The 1945 Constitution as a constitution then became the legal basis for the establishment of state institutions along with the duties and functions attached to them. Referring to the rules contained in the 1945 Constitution, the high institutions of the Republic of Indonesia are divided into executive, legislative and judicial powers (Ernawati Munir, 2005).

Specifically, as stated in the 1945 Constitution, Indonesia recognizes the division of judicial power which recognizes the separation between the powers of the Constitutional Court (MK) and the Supreme Court (MA) (Mahkamah Konstitusi, 2015). In an effort to test the suitability of the existing regulations in the statutory system with the values contained in the 1945 Constitution, the Constitutional Court has the authority to conduct both material and formal tests (Jorawati Simarmata, 2017). Both processes will eventually lead to a decision issued by the judge of the Constitutional Court which immediately has binding legal force and applies in general after being read out (*erga omnes*). In addition, based on Article 10 of Law Number 8 of 2011 concerning Amendments to Law Number 24 of 2003 concerning the Constitutional Court, the decision of the Constitutional Court is also final and binding.

Several problems that arose related to the final and binding nature of the decisions issued by the Constitutional Court later became a separate polemic. As has been discussed in the study on 'Aspects of Justice in the Final Nature of the Decisions of the Constitutional Court' which was published by the Journal of the Constitutional Court (Fajar Laksono Soeroso, 2014). The journal discusses several parties who argue that the final nature of the Constitutional Court's decision can be detrimental and far from fair when the Constitutional Court judge is wrong in making decisions. The value of justice is questioned when it can be proven that the judge decided based on false evidence (Fajar Laksono Soeroso, 2014, p. 69). An example of this case is seen in the dispute over the results of the general election which then sparked the discourse on the need for review petition (PK) mechanism in the Constitutional Court Decision.

This fact is considered to cause problems from a philosophical, juridical, social, political and theoretical perspective. But on the other hand, there is no better solution when compared to the final nature of the Constitutional Court Decision. By referring to the method of interpretation of the original intent, this study strengthens the basic argument about the importance of the final character in the Constitutional Court Decision. In this context, the final nature of the Constitutional Court Decision is needed to maintain the authority of the Constitutional Court as the judiciary authorized to maintain the highest chain of validity in this country.

Then, another problem arises when the decision issued by the Constitutional Court is not adhered to by individuals or other institutions that are legally supposed to be guided by the decision. For example, the case that happened to Oemar Sapta Odang (OSO) when he was running for the DPD member while still serving as an administrator of a political party. Adhering to the decision of the Constitutional Court number 30/PUU-XVI/2018 which prohibits concurrent positions of political party administrators and members of the DPD, the KPU issued a warning letter to OSO to immediately resign from the management of political parties if they wish to nominate themselves as members of the DPD (Bayu Septianto, 2019). OSO is of the opinion that what the KPU is doing is contrary to the Supreme Court's decision number 65/P/U/2018 which considers that the Constitutional Court's decision will only take effect in the 2024 election. In addition, there are still many cases that arise related to state institutions and individuals who consciously ignore the decisions of the Constitutional Court. Polemics like this then show the need to conduct studies on the final and binding nature of the Constitutional Court Decisions.

The final and binding phrase contained in the regulations that overshadow the formation of the Constitutional Court certainly requires obedience from all legal subjects. This obedience can be translated from what was stated by Immanuel Kant about the principle of obligation. Obedience to what is mandated by these regulations can be seen as our duty, regardless of the motivation behind it. To conduct a more in-depth study of the final and binding phrases that are the nature of the Constitutional Court's Decision, this paper will examine it using Deontic logic in general and in particular it will be reviewed using the perspective of the Categorical Imperative aspect that has been put forward by Immanuel Kant. This philosophical study will provide an overview of how then all institutions must respect and obey the decisions issued by the Constitutional Court and other regulations under the Law must also refer to the decisions of the Constitutional Court which may provide changes to the articles in the Law. Because that's what is called law.

Strengthening the interpretation of the interpretation of the final and binding nature needs to be done so that the decisions issued by the Constitutional Court can be obeyed by legal subjects, both individually and institutionally. As a reminder for us that the decisions issued by the Constitutional Court do not only apply to litigants (interparties) (Fajar Laksono Soeroso, 2014, p. 65), but also applies to all people who are related to cases decided by the Constitutional Court. In addition, this study will also provide answers to theoretical problems that arise regarding the final and binding nature of the Constitutional Court. With this study, the author hopes that there will be no more institutions that consciously ignore the decisions that have been taken by the Constitutional Court and can respect and obey them in accordance with the rules of implementing actions that have moral values.

PROBLEM FORMULATION

Based on the problems that arise as a result of the application of the Constitutional Court Decision which is final and binding, this article will fundamentally discuss how the final and binding nature is interpreted from the point of view of deontic logic.

DISCUSSION

The Constitutional Court as a state institution within the jurisdiction of the judiciary, has the duty and responsibility to maintain the validity of the chain of validity of the Legal System in Indonesia (Jimly Asshiddiqie, 2006b, p. 152). For this reason, the establishment of the Constitutional Court is also accompanied by regulations that give legal force to decisions issued by the Constitutional Court (Undang-Undang Dasar 1945, 1945). The phrase 'final and binding' in Article 10 of Law Number 8 of 2011 concerning Amendments to Law Number 24 of 2003 concerning the Constitutional Court of the Republic of Indonesia which is then used to describe the nature of the decisions issued by the Constitutional Court can be interpreted philosophically from the point of view of deontic logic proposed by Immanuel Kant. By using aspects of the Categorical Imperative contained in the deontic logic, we can see how other institutions should view and respond to the decisions issued by the Constitutional Court.

To conduct a more in-depth study of the final and binding nature of the decisions issued by the Constitutional Court, it is necessary to pay attention to several things related to:

A. The Constitutional Court as a Judicial Institution

The model for establishing the Constitutional Court used in Indonesia is the result of the adoption of the Model Constitutional Court initiated by Hans Kelsen and has been implemented for the first time in Austria (A. Ahsin Thohari, 2009, p. 101). Known as *Verfassungsgerichtshof* (Jimly Asshiddiqie, 2012), The Constitutional Court has the main task of ensuring that legal products issued by the government do not injure the application of the values contained in the Constitution. Thus, the division of judicial power known in Indonesia gives different powers to the Supreme Court and the Constitutional Court. Based on the results of the third amendment to the 1945 Constitution as contained in Article 24 paragraph (2), Article 24C and Article 7B which was then followed up by the Government and the DPR by establishing Law Number 24 of 2003 concerning the Constitutional Court, the Government then established the Constitutional Court of the Republic of Indonesia.

In carrying out its duties and functions, the Constitutional Court may conduct formal and material examinations of cases under its authority (Mahkamah Konstitusi, 2015). The process is carried out through a trial led by constitutional judges. Overall, there are nine (9) constitutional judges, each of which is the result of submissions from the president as the executive, the DPR as the legislature and the Supreme Court as the judiciary (Bambang Sutiyo, 2010, p. 32). This scheme is considered the most appropriate to be applied in order to create harmonization of the three high state institutions. With the presence of representatives

from each institution, the check and balances function can also be carried out properly without any tendency to favor certain institutions during the trial. The nine judges then legally became judges of the Constitutional Court who were neutral and no longer had ties to the proposing institution.

In general, the 1945 Constitution has provided limits on the authority possessed by the Constitutional Court. There are at least 5 powers possessed by the Constitutional Court, namely: (1) Examining the Law against the Constitution, (2) To decide disputes concerning the authority possessed by state institutions in accordance with the constitutional mandate, (3) decide cases related to the dissolution of political parties, (4) decide cases concerning disputes over general election results, (5) give a decision related to the opinion of the DPR which states that there are violations that may be committed by the President or the Vice President (Rachmawati, Hasani, Setara Institute (Jakarta, Indonesia), & Pustaka Masyarakat Setara (Publisher), 2013). All cases that enter and become the authority of the Constitutional Court will be heard by the Constitutional Justices and produce a declaratory decision.

The power possessed by the results of the Constitutional Court's decision is more clearly stated in Article 10 of Law Number 8 of 2011 concerning Amendments to Law Number 24 of 2003 concerning the Republic of Indonesia. In the article, it is clearly written that the decision made by the Constitutional Court is final and It is explained in article 10 paragraph (1) that the decision issued by the Constitutional Court is final because it immediately has legal force when the decision is pronounced and there are no other legal remedies that can be taken. binding. This final nature is also binding at the same time, in accordance with the mandate of the Law which is the legal protection for the formation of the MKRI.

B. Deontic Logic in the perspective of Immanuel Kant

The explanation given by Immanuel Kant related to deontic logic is not only limited to the discussion of the logic of the human way of thinking mathematically but also concerning human and moral values. One thing that is fundamental and makes Kant's deontic logic different from the others can be seen from how Kant emphasized that deontic logic cannot be explained using mathematical formulas (Albertzart, 2019). Deontic logic proposed by Kant departs from the idea that every individual is a rational being and they have their own ends (ends-in-ourselves) (Kant et al., 2012). The goals that each individual has will direct them to act according to their rational choices because each of us is a rational being.

Realizing that each person's rational choice can be different, then human values arise where we must respect each other's choices and everyone has the right to make those choices. This is also related to what Kant expressed as a trigger for discussion of moral philosophy (Kruglyak, 2011). To do a philosophical study, we have to ask about what to do. These questions will lead us to solve the problems we face. Not infrequently, actually the reasons and resources for us to solve the problem already exist and the exploration ultimately leads us to take steps autonomously, based on our free choices as individuals who determine our own actions.

Although we have the power to do anything according to our rational choices, but as rational beings, we must also understand the 'value' that is in every action (Misselbrook, 2013). Our rationality must be based on the general values that exist in society because then, we can see and analyze whether the action has moral value or not. This is closely related to what is meant by the principle of obligation by Kant. The principle of obligation will tell us that we have to do something (Korsgaard, 1996, p. 7). This principle will be the basis for us when answering the basic questions about the philosophy of morals that the author has conveyed above.

The principle of obligation that contains moral values cannot be carried out based on an analysis of what actions we need when we want to achieve something. According to Kant, morality cannot be analyzed. Actions that contain moral values must meet the principle of obligation without us analyzing what we need (Nance, 2012). These actions arise because of the awareness that is within us to do what is our responsibility, without any coercion from outside parties or motivation to seek personal gain. The actions we take also do not have to be based on the experiences we experience, but Kant argues that we already have basic knowledge about it. Kant introduced this consciousness with the term *a priori*. This *a priori* nature then becomes the basis for us to take actions that have moral values without having to analyze what actions must be taken because morals are usually in the form of orders to do something (Korsgaard, 1996, p. 10).

The order contained in the law becomes a reference for taking action. In law, what Kant said about the principle of obligation should be attached to everyone who is the subject of the law. The important character of the law is universality, where the rules contained in it apply generally without exception and therefore, everyone has the obligation and responsibility to obey it regardless of their intention when deciding to fulfill that obligation. For Kant, that is what is called law, all that remains is the notion that 'it is an obligation'. Furthermore, Kant explains that the moral action is based on the concept of the categorical imperative.

In general, Kant introduced 2 types of command forms, namely Hypothetical Imperative and Categorical Imperative. Hypothetical Imperative is simply translated as a contextual form of command where the command is conditional. This command emphasizes the analysis of goals so that what should be done will be different when the goals are different. For example, we should only learn to play the piano when our goal is to become a great pianist. Meanwhile, when we want to be a football player, there is no command to learn to play the piano. As for Kant, morality is under the auspices of the Categorical Imperative. Unlike the Hypothetical Imperative, the Categorical Imperative is an absolute commandment and is what Kant calls 'the supreme principle of morality' (Korsgaard, 1996, p. 12). It is not without reason that Kant called the Categorical Imperative concept the highest principle of morality because the concept is part of the basic concept of Kantian Ethics.

For Kant, the basic concept of ethics must include 3 things, namely: (1) the manifestation of the idea of good will, (2) the responsibility and moral value of an action, and (3) the formulation of the Categorical Imperative (CI) (Djunyanto Thriyana, 2016, p. 90). Regarding the idea of goodwill, Kant explained that it is the basis of the actions we take. An action is said to be good when the action is intrinsically benevolent, without limitation and under any conditions. Everyone who is considered to do something because of good intentions are those who do something because it is based on a sense of responsibility for their duties, not because they seek rewards. The decision to do or not do something, is taken on the basis of self-awareness (self-legislation), without coercion from other people or external factors.

Next, related to the responsibility and moral value of an action, Kant explains that every action can be categorized as an action that has moral value, an immoral act and an act that has no moral value. Actions that have moral value are actions that are based on the responsibility to perform tasks because of self-awareness, not because of profit or coercion. This action is usually in accordance with the general rules that apply and makes a sense of responsibility as the only motivation to do so. Here, Kant emphasizes that there is a difference between immoral actions and actions that have no moral value. Immoral acts are usually related to actions that violate the general rules that apply. Meanwhile, actions that have no moral value are actions taken only to fulfill obligations.

Finally, there is a discussion about the Categorical Imperative (CI). As a command or rule, Kant explains that the maxim used must meet at least 2 criteria, namely: (1) the principle of universality (Korsgaard, 1996, p. 14), and (2) Humanitarian Formula (Korsgaard, 1996, p. 17). As previously explained, the categorical imperative is a command that is general in nature, applies to everyone without any contradiction and has a truth value in accordance with the general truth. Specifically, Kant also explains that this rule is viewed from the point of view of its 'truth', not its consequences. What is meant here is that when we want to evaluate whether our actions can be said to be correct, we can examine the maxims contained in the rule. What the law that binds us says is the truth. Conformity between actions and rules is the focus of aspects in this category. It is our responsibility to take action in accordance with applicable regulations.

Kant further explained that as part of a country, of course we automatically become legal subjects of the constitution in that country. For Kant, our moral responsibility also includes it is to consciously follow the rules contained in the constitution. As long as the constitution is still in force and we are still living in it, no matter how unfavorable the situation may be or even in a situation that requires an act of revolution, we still have to submit to the constitution that is still in effect. Awareness and self-legislation to act according to the rules remain the main emphasis here (Imo M. Obot, 2014). The act of obeying the law is not based on fear of punishment that may be obtained when not implementing the rule, nor on the basis of a desire to get rewarded for obeying the rules issued by the government. To be able to fulfill these aspects, it is necessary to formulate the maxim of the rule of law that is universal so that it can be applied in general to everyone (Satkunanandan, 2011). It is the maxim that will then be used by everyone to become the basic principle when taking action. If the maxim used is intended to benefit certain groups or is used for certain conditions, of course it cannot be said to be true according to general truth (Scarre, 1998). an example is when we want to determine whether the maxim 'officials may be corrupt' can be categorized as a categorical imperative? We can analyze the maxim, whether it can fulfill the general truth. According to the aspect of universality, this cannot be justified. The maxim cannot be justified because it only applies to certain groups and will cause contradictions when carried out by people outside that group (Agbude, Ogunwede, Godwyns-Agbude, Wogu, & Nchekwube, 2015).

Regarding the human formula, Kant presupposes that every human being should be able to treat each other by prioritizing human values. We must be able to respect every human being as a determinant of their respective goals (ends-in-ourselves). We must have the awareness that everyone is autonomous with their rational choices and we must respect their choices. Kant also emphasized that ethically and morally, we are not allowed to do anything that violates the autonomous rights of others. This also includes that we should not treat people like inanimate objects. We are allowed to use things and throw them away when we no longer need them. But it is different with humans. We are not allowed to treat humans only to the extent that they benefit us (Markus Kohl, 2015).

Based on what Kant has said about the principle of obligation and categorical imperative in the basic concepts of ethics, we can see that these two concepts can be used to examine what are our rights and responsibilities as legal subjects and the government as legislators. Kant defines obligation (*verbindlichkeit*) as the main concept of ethics. For that, we have a responsibility to consciously fulfill our obligations (Katerina Deligiorgi, 2018). In this context, the government is obliged to make rules that meet the characteristics of the categorical imperative so that everyone can responsibly carry out their obligations in accordance with the applicable legal rules.

C. Philosophical Study of the 'Final and Binding' Nature of the Constitutional Court Decision

Referring to the 1945 Constitution and its derivative regulations which form the legal basis for the establishment of the Constitutional Court, the establishment of the Constitutional Court as part of a juridical institution has permanent legal force in accordance with the constitutional mandate. Therefore, it can be interpreted that complying with the decisions of the Constitutional Court is an obligation for all Indonesian citizens who are legal subjects of the 1945 Constitution as a legally recognized constitution in Indonesia. As explained by Kant in the principle of obligation, every individual who is part of a country has an obligation to submit and obey the legal constitution of that country (John O. Inyang, 2016).

Based on what has been described in the previous two sub-chapters, the author conducts a conceptual study of the interpretation of the phrase 'final and binding' from the nature of decisions issued by the Constitutional Court. The phrase 'final and binding' that explains the nature of the Constitutional Court's decision can be clearly found in the amendment to the explanation of Article 10 of Law Number 8 of 2011 concerning Amendments to Law Number 24 of 2003 concerning the Constitutional Court. To conduct a philosophical study, the researcher uses the phrase 'final and binding' as the maxim to be studied. Kant in deontic logic, uses the term maxim to describe the general rule or rule that is used by someone as a basic guide in determining the action he will take (Sayre-McCord, 1986). The maxim is then analyzed using the basics of moral ethics to find out its truth value. Final and binding phrases do not necessarily appear simultaneously in the legal protection that overshadows the establishment of the Constitutional Court. In Article 10 of Law Number 24 of 2003, it is explained that the Constitutional Court has the authority to try at the first and last levels whose decisions are final. Furthermore, in the explanation of article 10 paragraph (1) it is stated that the final nature of the decision of the Constitutional Court means that the decision of the Constitutional Court has permanent legal force since it was pronounced and no further legal remedies can be taken. Only later after the amendment to Law number 24 of 2003 contained in Law number 8 of 2011, there was a change in the explanation of article 10 paragraph (1) which explained that the final nature of the decision of the Constitutional Court also had binding legal force. (final and binding).

Based on the 1945 Constitution as the constitution which mandates the establishment of the Constitutional Court and grants authority to it, as well as Law Number 8 of 2011 which states about the final and binding nature of the Constitutional Court, the author can say that the establishment of the Constitutional Court as a juridical institution has value. validity in terms of the

legal protection that shelters it. So, we can see from the perspective of the principle of obligation that the constitution mandates that we as legal subjects of the Constitutional Court's decision can comply with the Constitutional Court's decision. After objectively confirming that the 'final and binding' maxim has a truth value through the validity of its legal protection, further, the author will examine the philosophical interpretation of the final and binding nature by using the basic aspects of Immanuel Kant's deontic logic of moral ethics (Jacquette, 1991).

In Immanuel Kant's sense of deontic logic, the government as a rational being who makes the constitution is seen as having inserted moral values in accordance with general truth (Sayre-McCord, 1986). Rules that have been approved and promulgated based on the prevailing moral values have binding normative power for all legal subjects. This includes the maxim 'final and binding' which is the nature of the decision of the Constitutional Court. The truth value of the maxim cannot change because the maxim has been legally stipulated in Law Number 8 of 2011 and until now, the law is still in effect.

Objectively, Kant's deontic logic uses an etic approach as a method to dissect the philosophical value of a maxim. Objectively, Kant's deontic logic uses an etic approach as a method to dissect the philosophical value of a maxim (Johnston, 2006). The fulfillment of these basic aspects becomes the benchmark for the final and binding maxim which will then determine whether the maxim can meet the requirements to become a general truth.

As the author has said in the previous sub-chapter, the Kantian moral ethics aspect has three basic concepts. First, as a manifestation of the idea of goodwill. The establishment of the Constitutional Court based on the 1945 Constitution is intended to maintain the chain of validity of the statutory system. It is evident that the Constitutional Court is generally assigned to conduct a material review of the cases under its authority. This material test is carried out based on the suitability of the cases examined by the Constitutional Court and the moral values contained in the articles in the 1945 Constitution. The Constitutional Court has the authority to issue a decision that grants a request for review and states that an article or paragraph or even a law as a whole is contrary to the basic values of the 1945 Constitution so that the Law no longer has binding legal force or is considered null and void.

When the Constitutional Court carries out its role to examine the suitability of a case against the values contained in the constitution, then therein lies the manifestation of good will that is being carried out by the Constitutional Court. Furthermore, what is decided by the judges of the Constitutional Court is not only based on temporary conditions. For example, a decision issued by a constitutional court will declare a law null and void under any circumstances and when the law has been declared null and void then automatically, the law can no longer be used as a legal basis. Or in cases to decide the dissolution of political parties. When a political party has been dissolved by the Constitutional Court, the party is no longer allowed to carry out activities in any form and loses its rights as a political party under any circumstances.

Furthermore, in carrying out its role in deciding cases under its authority, the Constitutional Court will conduct a trial process. Constitutional Justices who come from representatives of the three branches of state power are intended so that the neutrality of these judges can be maintained properly (Shandon L. Guthrie, 2001). Although the initial nomination of constitutional judges came from three different elements, after the constitutional judges were appointed, they no longer had ties to the proposers. This mechanism is made so that the decisions issued by the judges of the Constitutional Court are not limited to one branch of state power and can be applied fairly under any circumstances. The neutrality of judges after being sworn in is also intended so that the decisions taken are truly autonomous without any coercion from external factors, in accordance with the concept of self-legislation proposed by Kant in the manifestation aspect of good will.

Second, as a form of responsibility and action that has moral value. Based on the duties and authorities of the Constitutional Court as stated in the 1945 Constitution, it is the responsibility of the Constitutional Court as part of the judiciary to maintain the compatibility of the values contained in the Constitution with the laws and regulations in Indonesia. This form of responsibility is carried out by conducting trials of cases submitted for examination by the Constitutional Court. As previously explained, constitutional judges who have been appointed are required to be able to make decisions neutrally, regardless of where their proposals come from.

The neutrality of constitutional judges is important to ensure that what they decide is in accordance with applicable law and has moral values. Ideally, the actions taken by constitutional judges should be based on fulfilling their responsibility to maintain the chain of validity of the statutory system. In addition, in making decisions, constitutional judges are also required to get rid of personal interests and actually make the fulfillment of their duties and responsibilities as judges guarding the constitution the only motivation in making decisions (Cristian Dimitriu, 2013).

After reviewing the decision-making process of the Constitutional Court using two aspects of the basic concept of Kantian ethics, we can see that the principle of obligation and ethics can be fulfilled by the Constitutional Court as a judicial institution. Decisions issued by the Constitutional Court and pronounced in court, immediately have binding legal force. There is no longer any legal action that can be taken when the decision of the Constitutional Court has been issued (final). In the perspective of Kantian deontic logic, the decision-making process has fulfilled the aspects to be applied as applicable law (Thriyana, 2016). So then, the author can conduct a more in-depth study related to the interpretation of the 'final and binding' maxim of the decision by using the categorical imperative aspect of the Kantian concept of moral ethics.

According to the Categorical Imperative, the maxim 'final and binding' must meet two categories so that the rules formed after the Constitutional Court's decision is read out can be categorized as valid law and have moral values for those who are legal subjects (Reath & The Hegeler Institute, 1989). First, the universality aspect of the decisions issued by the Constitutional Court. In making decisions related to cases being tried, the Constitutional Court does not only issue decisions for litigants. An example is the decision to examine the Act against the 1945 Constitution. If the Constitutional Court then decides that the paragraph or article or even the law is null and void because it is not in accordance with the values contained in the 1945 Constitution, then the decision will apply to everyone. No one else can use the rule as a legal basis because the Constitutional Court has decided that the rule no longer has binding legal force (Jorawati Simarmata, 2017).

Second, the aspect of the human formula. The 'final and binding' maxim of the Constitutional Court's decision is clearly intended for all Indonesian people who are legal subjects of the Indonesian legal system. This can be interpreted that there is an acknowledgment of equality for all Indonesian people without exception. In addition, the maxim 'final and binding' contained in the explanation of Article 10 of Law Number 8 of 2011 concerning Amendments to Law Number 24 of 2003 concerning the

Republic of Indonesia is a derivative rule of the 1945 Constitution where the 1945 Constitution adopts the moral values of Pancasila as the basic norm. From the chain of validity, we can certainly see that there is recognition of human values and respect for individual rights. In this context, this validity is obtained from the second principle of Pancasila which reads 'just and civilized humanity'.

For the author, the fulfillment of legal validity and aspects of moral ethics proposed by Kant, can be interpreted that the final and binding maxims have general truth values and can be used as a reference in acting (Agbude et al., 2015). Of course this has implications for all legal subjects of the Constitutional Court's decision where according to the principle of obligation, it is appropriate that the final and binding phrase of the nature of the Constitutional Court's decision is carried out with full awareness without any coercion from any party. Awareness of our obligation to obey the decisions that have been issued by the Constitutional Court is an important part in implementing the practice of state life that has moral values (Fajar Laksono Soeroso, 2014).

We can also use the same perspective to look at the fairness aspect of the decisions issued by the Constitutional Court. Although some opinions oppose the final nature of the Constitutional Court judges because they view that the decision may injure our constitutional rights when the constitutional judge is deemed wrong in making decisions, for the author, the final and binding nature of the Constitutional Court's Decision is still the best choice to maintain authority of the Constitution in Indonesia. This argument is based on the author's philosophical analysis of deontic logic to the final and binding nature of Immanuel Kant.

Clearly and unequivocally, Kant emphasizes that humans are rational creatures where every decision they make is based on their own rational choice (Scarre, 1998). In addition, in making a decision to act, we are also faced with maxims that become our moral basis. Thus, we can assume that every decision taken by constitutional judges is the result of their autonomous thinking based on the rational choices they have. As we know, the general truth contained in the basic rules for establishing the Constitutional Court will certainly become the basis for constitutional judges to act and maintain their actions in accordance with applicable moral values.

CONCLUSION

This article concludes that the decisions made by constitutional judges are the result of their rational choice and are based on general truths which are the basic rules of their thinking. This proves that what is a constitutional court decision taken by a constitutional judge has a moral value in accordance with the authority it has. Furthermore, the aspects that exist in the moral ethical rationale of deontic logic theory assert that the phrase 'final and binding' becomes a maxim that has a general truth value and can be a reference for taking actions that have moral values. The categorical imperative as a benchmark of objectivity that determines the fulfillment of general truth values can clearly show that the final and binding phrase fulfills the aspects of universality and humanity. The fulfillment of the validity of the final and binding phrase from a normative and philosophical perspective has proven that all individuals and institutions that are legal subjects of the Constitutional Court's decision have an obligation to consciously and responsibly obey the decision. Thus, this study can provide answers to theoretical problems that arise in the practice of implementing decisions issued by the Constitutional Court.

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