



## Ethics of Discussion and Debate in the Perspective of Constitutional Law Norms

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| Article Info                                                                                                                                                             | Abstract                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <b>Article History</b><br>Received : 2025-11-18<br>Revised: 2025-11-25<br>Published: 2025-12-30<br><br><b>Keywords:</b><br><i>Ethics; discussion; debate; norms; Law</i> | Discussion and debate are important instruments in the formation, testing, and development of legal norms. In legal practice, especially in the realm of constitutional and academic law, discourse not only functions as a means of exchanging ideas, but also as a mechanism for searching for rational and just truth. However, without a clear ethical foundation, discussion and debate have the potential to lose their constructive value and instead lead to normative and social conflicts. Therefore, the study of the ethics of discussion and debate from the perspective of legal norms is relevant and urgent. This research aims to analyze the concept, function, and urgency of ethical discussion and debate as part of legal norms, paying attention to the historical, academic, and ethical dimensions that develop in the legal tradition, including Islamic perspectives. The research method used is qualitative research with a descriptive-analytical approach, through literature studies of relevant legal literature, ethics, and Islamic thought. The results and discussions show that the ethics of discussion and debate are a manifestation of legal norms that function to maintain rationality, justice, and respect for differences of opinion. This ethics plays an important role in ensuring that legal discourse takes place in an argumentative, objective, and dignified manner. Thus, the application of the ethics of discussion and debate not only strengthens the quality of legal thought, but also supports the creation of a healthy and civilized legal culture. |

### I. INTRODUCTION

Discussion and debate are intellectual traditions that have been firmly rooted in the history of the development of science and legal civilization (Irianto, 2024). From the classical to modern eras, scientific discourse has been the main medium for testing truth, formulating theories, and building normative consensus (Nashrullah, n.d.). In the field of law, especially constitutional law, discussion and debate do not only function as a means of exchanging ideas, but as a fundamental mechanism in the formation, interpretation, and evaluation of legal norms that govern state life (TARIGAN, 2024). Through an open and argumentative dialogical process, various constitutional issues can be critically analyzed, both related to the constitution, relations between state institutions, the protection of citizens' constitutional rights, and the basic principles of democratic and just governance.

In the context of dynamic and interest-laden constitutional law, discussions and debates play a strategic role in responding to the complexity of evolving legal issues (Tarigan, 2024b). Social,

political, and technological changes demand a space for dialogue that allows diverse views to be tested rationally and normatively. Issues such as power limitations, constitutional supremacy, human rights enforcement, and the establishment of transparent and accountable laws and regulations cannot be separated from the process of in-depth discussion and debate. Through healthy and constructive debate, various arguments can be brought together, tested, and synthesized to produce a more comprehensive and objective understanding of the law.

However, discussions and debates in the legal realm cannot be separated from the ethical dimension. Without a clear ethical foundation, legal discourse has the potential to shift from an attempt to search for normative truth to a place for the dominance of arguments, conflicts of interest, or even the delegitimization of different views (Tahir et al., 2023). From the perspective of legal norms, the ethics of discussion and debate serve as signs that direct the communication process to remain in the corridor of rationality, justice, and respect for human dignity. This ethics requires an objective attitude, openness to

differences of opinion, respect for opponents' arguments, and commitment to truth and the public interest.

Furthermore, discussions and debates also have an important educational function in shaping the character and intellectual capacity of academics, legal practitioners, and policymakers. Through active involvement in legal discourse, participants are trained to think critically, analyze problems systematically, and formulate logical arguments based on legal norms (Maisarah et al., 2025). This process not only enriches scientific insights, but also forms awareness of the importance of ethics in conveying and defending opinions. Thus, discussion and debate are strategic means in fostering a civilized legal culture and upholding the values of justice.

Beyond the academic realm, the ethics of discussion and debate also have direct implications for constitutional practices and public policy-making processes (Suharti, 2025). Policymakers and state administrators are required to be able to absorb various views through open and ethical discourse, in order to produce policies that are responsive to the needs of the community. Discussions and debates based on legal and ethical norms allow for the creation of a legal system that is more inclusive, adaptive, and legitimate in the eyes of the public. Therefore, strengthening the ethics of discussion and debate is not only relevant for the academic world, but also an important prerequisite for the realization of a democratic and just government.

Based on this description, the study of the ethics of discussion and debate from the perspective of legal norms is important to be carried out. This study is expected to provide a conceptual and normative foundation on how discussions and debates should be conducted within a legal framework, so that it is not only oriented towards the victory of arguments, but also on the achievement of truth, justice, and common good. Thus, legal discourse can function optimally as an instrument for the development of science and the strengthening of a dignified legal system.

## **II. RESEARCH METHODS**

This research uses a qualitative method with an analytical descriptive approach, which aims to analyze and describe in depth various aspects of ethics in discussions and debates in the context of constitutional law (Muhadjir, 2000). This method was chosen because discussion and debate are a

process that prioritizes understanding of the views, arguments, and interpretations of various parties involved, as well as the importance of applying ethical principles in the process.

## **III. RESULTS AND DISCUSSION**

### **A. Discussion and Debate as a Normative Instrument in the Legal and Islamic Tradition**

Discussion and debate are essentially not just ordinary intellectual activities, but normative instruments that have an important position in the formation, development, and testing of law. From a constitutional law perspective, discussion and debate serve as a rational mechanism to assess the validity of norms, test the legitimacy of policies, and ensure that constitutional principles are consistently implemented. This tradition shows that law is not born from a vacuum, but rather from a dialectical process that involves the exchange of ideas, criticism, and arguments based on the ratio and value of justice (Khairuddin et al., 2020).

From an Islamic perspective, discussion and debate have a strong normative foundation and are loaded with ethical dimensions (Machendrawaty & Kusnawan, 2003). The Qur'an expressly directs that dialogue and debate be carried out with wisdom, *mau'izhah hasanah*, and the best way. This principle shows that the main purpose of discussion is not the dominance of arguments, but the search for truth and benefit. Islam views differences of opinion as a social and intellectual necessity that must be managed through polite and civilized dialogue, not through coercion or intimidation (Faqih et al., 2025). Therefore, discussion in Islam is judged not only by the strength of the argument, but also by the way it is delivered and the intention behind it.

When drawn in the context of modern constitutional law, the values of discussion and debate in Islam have very strong relevance. The principles of freedom of opinion, prohibition of coercion, and respect for differences of opinion are fundamental elements in a democratic state of law. Thus, discussion and debate can be understood as a bridge between Islamic normative values and modern legal principles, both of which place rationality, justice, and respect for human dignity as the main foundations.

## **B. The Evolution of Discussion and Debate Methods in the Development of Constitutional Law Thought**

History records that debate has been the main method in the development of science since the time of Ancient Greece. Socrates' method of dialectic, which emphasized critical questions and answers to test the truth of an idea, became the foundation for the tradition of rational debate that later developed in philosophy, law, and politics. In the context of constitutional law, this method is transformed into a means of testing constitutional norms, the legitimacy of power, and public policies that have a wide impact on society (Jasmine, 2025).

In constitutional practice, discussion and debate are important elements in the process of legislation, policy formulation, and supervision of executive power. Debates in parliament, constitutional hearings, and academic discourse on constitutional law show that law develops through a continuous process of argumentation (Tarigan, 2024a). Discussion allows for a more comprehensive understanding of a problem, while debate serves to test the resilience of arguments to different criticisms and points of view.

In the Islamic tradition, the concept of *munadharah* plays a similar role to modern academic debate. *Munadharah* is not just a debate to win an argument, but a scientific method to test the correctness of the postulate, the consistency of logic, and the relevance of a view to reality. In the context of constitutional law, *munadharah* can be seen as an important means of criticizing legal theories, assessing the application of constitutional principles, and developing legal concepts that are more adaptive to changing times (Utari et al., 2024).

Thus, in both the Western and Islamic traditions, discussion and debate have the same function, namely as epistemological instruments to maintain the dynamics and quality of legal thought. The difference lies in the stronger ethical emphasis in the Islamic tradition, which explicitly places manners and intentions as an integral part of the discourse process.

## **C. Ethics of Discussion and Debate as a Pillar of the Quality of Legal Discourse**

The ethics of discussion and debate are the central elements that determine the quality and direction of legal discourse. Without ethics, legal discourse has the potential to lose substance and

turn into personal conflicts or tools of narrow interest legitimacy. From the perspective of legal norms, discussion ethics serves as a controlling mechanism so that the process of exchanging ideas remains within the corridor of rationality, justice, and public interest (Gerald, 2025).

One of the main principles of discussion ethics is respect for other people's opinions. In the context of constitutional law, differences of opinion are inevitable, given the complexity of the issues being discussed. Respecting differences of opinion means opening up space for healthy dialogue and allowing for more inclusive solutions. This attitude is in line with the principle of the rule of law that upholds pluralism and freedom of opinion (Sumaryono, 2002).

Discussion ethics also demand the use of polite and argumentative language. Abusive, provocative, or degrading language not only spoils the atmosphere of the discussion, but also obscures the substance of the problem being discussed. In legal discourse, especially those related to constitutional issues and public policy, the use of civilized language reflects the intellectual integrity and professionalism of the discussion participants.

Another ethical aspect that is no less important is the prohibition of personal attacks or *ad hominem*. In the perspective of legal norms, personal attacks are contrary to the principles of justice and rationality, as they shift the focus from the argument to the individual. Ethical discussion and debate should be oriented towards the strength of logic and legal basis, not on trying to discredit the other side. This is important to maintain the objectivity and credibility of legal discourse.

In the context of constitutional law, the ethics of discussion and debate also contain a moral obligation to be based on constitutional values and the public interest. Good legal discourse should not be solely geared towards winning political debates, but should be oriented towards achieving substantive justice and strengthening the legal system. Thus, the ethics of discussion and debate are not only individual moral issues, but are a structural prerequisite for the creation of a democratic, responsive, and dignified legal system.

## **IV. CONCLUSIONS AND SUGGESTIONS**

### **A. Conclusion**

Discussion and debate are fundamental instruments in the development of legal thought,

especially in the context of constitutional law. This study shows that legal discourse does not only function as a means of exchanging ideas, but also as a normative mechanism to test the rationality, legitimacy, and fairness of a norm or policy. From an Islamic perspective, discussions and debates have a noble position as long as they are carried out with manners, wisdom, and orientation to the search for truth, not to domination or victory of arguments. These values are in line with the principles of a democratic state of law, which places freedom of opinion, respect for differences, and rationality as the main pillars.

The history of the development of debate, both in the Western and Islamic traditions, shows that a healthy discourse is the driving force for the advancement of science and law. The debate and munadharah methods have proven to be effective in training critical reasoning, enriching perspectives, and testing the resilience of constitutional law theory and practice. Nevertheless, the quality of discussion and debate is largely determined by the ethics that underlie it. The ethics of discussion and debate function as a guardian of the dignity of legal discourse so that it remains objective, constructive, and oriented to the public interest. Therefore, the ethics of discussion and debate are not just moral norms, but an integral part of the legal norms that support the creation of a fair, democratic, and civilized legal system.

## B. Suggestions

Strengthening the ethics of discussion and debate needs to be systematically integrated in legal education, especially constitutional law, both through curriculum and academic practice. State institutions, academics, and policymakers also need to foster a culture of discourse that is civilized, rational, and oriented towards the public interest. In addition, follow-up studies are recommended to develop ethical standards for discussion and debate that are more operational, so that they can become practical guidelines in academic, legislative, and legal institutional forums.

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