

ABSTRAK

Putusan nomor 90/PUU-XXI/2023 merupakan putusan yang mengubah persyaratan pencalonan Presiden dan Wakil Presiden untuk Pemilu 2024. MKMK menyatakan bahwa sembilan hakim konstitusi yang memutus perkara tersebut melanggar Kode Etik dan Perilaku Hakim Konstitusi. Hal tersebut tertuang dalam 4 Putusan MKMK. Dengan masih adanya kasus-kasus pelanggaran etik yang dilakukan, hal ini memberikan sinyal bahwa belum optimalnya pengawasan dalam lembaga peradilan seperti Mahkamah Konstitusi. Maka menarik dilakukan penelitian terkait bagaimana implikasi yuridis Putusan Mahkamah Konstitusi Nomor: 90/PUU-XXI/2023 terhadap independensi hakim Mahkamah Konstitusi. Serta bagaimana urgensi pengaturan pengawasan etika hakim mahkamah konstitusi.

Jenis penelitian adalah penelitian hukum normatif. Metode pendekatan yang digunakan adalah jenis pendekatan peraturan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Teknik pengumpulan bahan hukum yang digunakan adalah dengan studi kepustakaan. Metode analisis data yang digunakan adalah deskriptif kualitatif. Metode penarikan kesimpulan yang digunakan adalah metode deduktif.

Hasil penelitian ini menunjukkan bahwa Implikasi yuridis Putusan Mahkamah Konstitusi Nomor: 90/PUU-XXI/2023 terhadap independensi hakim Mahkamah Konstitusi yakni adanya kecacatan yang mengarah pada terjadinya pelanggaran kode etik oleh hakim MK selama proses persidangan putusan tersebut sehingga mengakibatkan hilangnya independensi hakim MK, dan dikeluarkannya 4 putusan MKMK. Hal ini memberikan sinyal bahwa belum optimalnya pengawasan dalam lembaga peradilan seperti Mahkamah Konstitusi. Urgensi pengaturan pengawasan etika hakim mahkamah konstitusi yakni belum optimalnya pengawasan internal dalam lembaga peradilan seperti Mahkamah Konstitusi. Maka perlu adanya penataan kembali sistem pengawasan serta pengelolaan kelembagaan Mahkamah Konstitusi baik secara internal maupun eksternal.

Kata Kunci: Pengawasan, Integritas, Etika, Hakim MK

ABSTRACT

Decision number 90/PUU-XXI/2023 is a decision that changes the requirements for presidential and vice presidential candidacy for the 2024 election. The MKMK stated that the nine constitutional judges who decided the case violated the Code of Ethics and Conduct of Constitutional Judges. This is stated in 4 MKMK Decisions. With cases of ethical violations still committed, this gives a signal that supervision in judicial institutions such as the Constitutional Court has not been optimal. Therefore, it is interesting to conduct research related to the juridical implications of the Constitutional Court Decision Number: 90/PUU-XXI/2023 on the independence of Constitutional Court judges. As well as the urgency of regulating the supervision of ethics of constitutional court judges.

The type of research is normative legal research. The approach methods used are the types of statutory approaches, case approaches, and conceptual approaches. The technique of collecting legal materials used is by literature study. The data analysis method used is qualitative descriptive. The method of drawing conclusions used is the deductive method.

The results of this study show that the juridical implications of the Constitutional Court Decision Number: 90/PUU-XXI/2023 on the independence of Constitutional Court judges are defects that lead to violations of the code of ethics by Constitutional Court judges during the trial process of the decision, resulting in the loss of independence of Constitutional Court judges, and the issuance of 4 MKMK decisions. This gives a signal that supervision in judicial institutions such as the Constitutional Court has not been optimal. The urgency of regulating the supervision of the ethics of constitutional court judges is that internal supervision in judicial institutions such as the Constitutional Court has not been optimal. Therefore, it is necessary to reorganize the supervision system and institutional management of the Constitutional Court both internally and externally.

Keywords: *Supervision, Integrity, Ethics, Constitutional Court Judges*