

ABSTRAK

Vida Hanum Salzabilla : Kedudukan Hukum Putusan Majelis Kehormatan Mahkamah Konstitusi Nomor 02/MKMK/L/11/2023 dan Keberlakuan Putusan Mahkamah Konstitusi Nomor 90/PUU-XXI/2023 dalam Perspektif Teori Legitimasi Etis

Putusan Mahkamah Konstitusi Nomor 90/PUU-XXI/2023 terkait batas usia calon presiden dan wakil presiden menuai kontroversi luas, terutama karena munculnya dugaan konflik kepentingan. Sorotan utama tertuju pada Ketua Mahkamah Konstitusi saat itu, Anwar Usman, yang diketahui memiliki hubungan keluarga dengan pihak yang diuntungkan oleh putusan tersebut namun tetap ikut serta dalam proses pengambilan keputusan. Situasi ini mendorong terbentuknya Majelis Kehormatan Mahkamah Konstitusi (MKMK), yang akhirnya menjatuhkan sanksi etik terhadap Anwar Usman. Peristiwa ini menarik perhatian publik secara luas dan memunculkan keraguan terhadap integritas etik dan legitimasi kelembagaan dari putusan Mahkamah Konstitusi tersebut.

Penelitian ini bertujuan untuk menganalisis kedudukan hukum Putusan MKMK Nomor 02/MKMK/L/11/2023, menganalisis keberlakuan Putusan MKMK Nomor 90/PUU-XXI/2023 melalui perspektif teori legitimasi etis, serta menganalisis dampak etik dari putusan tersebut terhadap asas kepastian hukum dan marwah kelembagaan Mahkamah Konstitusi. Kajian ini juga berupaya menggambarkan bagaimana ketegangan antara aspek hukum dan etika dapat memengaruhi persepsi publik terhadap keadilan konstitusional di Indonesia.

Dengan menggunakan metode yuridis normatif, pendekatan yang diambil mencakup pendekatan perundang-undangan dan pendekatan studi kasus. Sumber data utama meliputi peraturan perundang-undangan, putusan Mahkamah Konstitusi dan MKMK, serta literatur hukum tata negara dan etika konstitusional. Analisis dilakukan secara kualitatif guna menafsirkan norma-norma hukum yang berlaku dan relevansinya dalam konteks kasus ini.

Penelitian ini berlandaskan pada teori negara hukum, teori keadilan, serta teori legitimasi etis, dengan merujuk pada pemikiran tokoh-tokoh seperti Jürgen Habermas, John Rawls, Max Weber, dan David Beetham. Teori legitimasi etis menekankan bahwa keabsahan suatu putusan hukum tidak hanya ditentukan oleh prosedur hukum formal, tetapi juga oleh pemenuhan terhadap norma moral, integritas hakim, dan keadilan substantif yang diakui masyarakat.

Hasil penelitian menunjukkan bahwa Putusan MKMK Nomor 02/MKMK/L/11/2023 merupakan produk penilaian etik yang berdampak hukum nyata dan bersifat final dalam ranah etik administratif. Meski Putusan MKMK Nomor 90/PUU-XXI/2023 masih memiliki kekuatan hukum formal, namun putusan tersebut kehilangan legitimasi secara etis akibat pelanggaran terhadap prinsip imparialitas dan integritas hakim. Hal ini menegaskan bahwa dalam kerangka hukum demokratis, keberlakuan hukum positif harus senantiasa dijalankan secara etis untuk menjaga kepercayaan publik dan mempertahankan wibawa lembaga peradilan konstitusi.

ABSTRACT

Vida Hanum Salzabilla : *The Legal Standing of the Honorary Council of the Constitutional Court Decision Number 02/MKMK/L/11/2023 and the Validity of the Constitutional Court Decision Number 90/PUU-XXI/2023 from the Perspective of Ethical Legitimacy Theory*

The Constitutional Court Decision Number 90/PUU-XXI/2023 regarding the age limit for presidential and vice-presidential candidates has sparked widespread controversy, particularly due to allegations of a conflict of interest. The central spotlight was on the Chief Justice at the time, Anwar Usman, who was known to have familial ties with a party that benefited from the decision, yet still participated in the adjudication process. This situation led to the formation of the Constitutional Court's Honorary Council (MKMK), which ultimately imposed ethical sanctions on Anwar Usman. The incident drew significant public attention and raised doubts about the ethical integrity and institutional legitimacy of the Constitutional Court's ruling.

This research aims to examine the legal status of MKMK Decision Number 02/MKMK/L/11/2023, assess the applicability of Constitutional Court Decision Number 90/PUU-XXI/2023 from the perspective of ethical legitimacy theory, and analyze the ethical implications of that decision on legal certainty and the dignity of the Constitutional Court as a state institution. This study also attempts to describe how tensions between law and ethics may influence public perceptions of constitutional justice in Indonesia.

Using a normative juridical method, the study employs both statutory and case study approaches. Primary data sources include statutory regulations, decisions of the Constitutional Court and MKMK, as well as literature on constitutional law and judicial ethics. The analysis is conducted qualitatively to interpret relevant legal norms and their contextual application in this case.

This study is grounded in the theory of the rule of law, the theory of justice, and the theory of ethical legitimacy, referring to the thoughts of scholars such as Jürgen Habermas, John Rawls, Max Weber, and David Beetham. The theory of ethical legitimacy emphasizes that the validity of a legal ruling is not only determined by formal legal procedures, but also by compliance with moral norms, judicial integrity, and substantive justice as recognized by the public.

The findings of the study indicate that MKMK Decision Number 02/MKMK/L/11/2023 is an ethical judgment with tangible legal consequences, and is final within the domain of administrative ethics. Although Constitutional Court Decision Number 90/PUU-XXI/2023 remains legally binding in a formal sense, it suffers from a loss of ethical legitimacy due to violations of impartiality and judicial integrity. This highlights the importance of ethical conduct in constitutional adjudication to maintain public trust and uphold the authority of constitutional judicial institutions in a democratic legal system.