

Legal Certainty in the Decisions of the Honorary Council of the Constitutional Court: A Case Study of Chairman Anwar Usman's Ruling

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Abstract

The existence of the Constitutional Court in the life of the nation and state is in order to guarantee and prove the existence of positive law, especially laws, so that these laws remain in accordance with the constitution so that later the constitutional rights of citizens can be maintained. The purpose of this research is as evaluation material and learning material for law enforcers, students and other parties. This type of research is included in the juridical-normative category, namely research carried out by examining theories, concepts, legal principles and regulations that are appropriate and related to the object of research. The Constitutional Court decision that has been issued against Anwar Usman cannot be challenged in the State Administrative Court because the Constitutional Court's decision is not a state administrative decision so it does not fall within the scope of what can be litigated in the state administrative court. Another reason that could be the basis for approval or inaccuracy of the State Administrative Court's lawsuit in relation to the Constitutional Court's decision is related to the ad hoc nature inherent in the Constitutional Court. Compliance with ethical standards in the decision-making process in law enforcement agencies is a crucial element in maintaining the trust and reputation of state administration in the eyes of the public. The presence of ethical standards in the Constitutional Court is considered the basis for upholding constitutional principles which are moral and behavioral guidelines for all members of the judiciary.

1. Introduction

Indonesia is a country which in carrying out national and state life is based on the principle of constitutionality or in other words, in carrying out national and state life it must and requires harmony between various existing legal products and the actions of public authorities with the constitution. In this regard, the existence of authority that arises and can be held by a particular party creates the potential for violations of constitutional norms in the form of actions by public authorities.¹ In order to ensure that later in the implementation of the state the actions of the authorities in the form of the formation of positive law do not conflict with the constitution, a Constitutional Court was established, strengthened by the promulgation of Law Number 24 of 2003 concerning the Constitutional Court.

The existence of the Constitutional Court in national and state life is in order to guarantee and test the existence of positive law, especially laws, so that these laws remain in accordance with the constitution so that citizens' constitutional rights can be maintained. Protection of the people's constitutional rights by the Constitutional Court itself can take the form of deciding

¹ Winda Wijayanti, "Eksistensi Undang-Undang Sebagai Produk Hukum Dalam Pemenuhan Keadilan Bagi Rakyat (Analisis Putusan Mahkamah Konstitusi Nomor 50/Puu-X/2012)," *Jurnal Konstitusi* 10, No. 1 (2016): 179, <https://doi.org/10.31078/Jk1018>.

disputes over election results and also handling judicial review of laws as stated in Article 24C number 1 of the Constitutional Court Law.² One example of the implementation of protecting people's constitutional rights is the implementation of a material review of the age limit for presidential and vice-presidential candidates, in which case there was a request for objection to the age limit for presidential/vice-presidential candidates which cannot be under 40 years based on Article 169 letter q of Law Number 7 of 2017 concerning Elections as amended by Government Regulation in Lieu of Law Number 1 of 2022 (hereinafter referred to as the Election Law). This case itself is of particular concern considering that in the history of the Constitutional Court's decisions there have been several judicial reviews of this article, namely in cases 29/PUU-XXI/2023 (submitted by PSI), 51/PUU-XXI/2023 (submitted by the Garuda Party), 55 /PUU-XXI/2023 (submitted by Regional Heads) but these three applications were always rejected because they were outside the constitutional area.³

The submission of this petition occurred due to different things, where in 2023 the petition with the same principal was finally granted by the Constitutional Court, namely in decision 90/PUU-XXI/2023 which in the decision 90/PUU-XXI/2023 which in this decision added new requirements for presidential and vice presidential candidates as in Article 169 (q) The Election Law stipulates " be at least 40 years old or have/are currently holding positions elected through general elections, including regional head elections.⁴ The existence of differences in the Constitutional Court's decisions raises suspicions of a conflict of interest within the Constitutional Court considering that the rejection of several previously submitted applications shows inconsistencies within the Constitutional Court. The suspicion that arises is that the chairman of the Constitutional Court, Anwar Usman, is suspected of being involved because in petition 90/PUU-XXI/2023 he actually tries to encourage Gibran Rakabuming Raka to run for president and vice president in the 2024 election contest. This effort itself is of concern considering that Gibran Rakabuming Raka He is the nephew of Anwar Usman.⁵

In connection with the alleged conflict of interest,⁶ the Constitutional Court received 21 reports of violations of the code of ethics by Anwar Usman regarding decision 90/PUU-XXI/2023 and this allegation ultimately had an impact on the pronouncement of the

² Dinoroy M Aritonang, "Peranan Dan Problematika Mahkamah Konstitusi (Mk) Dalam Menjalankan Fungsi Dan Kewenangannya The Role And Problems Of Constitutional Court Of Indonesia In Running Its Function And Authority," *Ilmu Administrasi* 10, No. 3 (2013): 373-89.

³ Perdana Aditya And Imam Muhammad, "Judisialisasi Politik Dalam Putusan Mk Terkait Batas Usia Cawapres Dalam Pilpres 2024," *Jurnal Pengawasan Pemilu* 4 (2024): 69-92.

⁴ Hanif Hardianto, Sri Wahyu Krida Sakti, And Meliza Meliza, "Masalah Batas Usia Calon Presiden Dan Calon Wakil Presiden: Studi Open Legal Policy Dalam Putusan Mk No. 90 90/Puu-Xxi/2023," *Jurnal Supremasi* 14 (2024): 15-27, <https://doi.org/10.35457/Supremasi.V14i1.3313>.

⁵ Perdana Aditya And Imam Muhammad, "Judisialisasi Politik Dalam Putusan Mk Terkait Batas Usia Cawapres Dalam Pilpres 2024."

⁶ Lismanida And Zainal Arifin, "Understanding The Decision Of The Constitutional Court Number 90/Puu-Xxi/2023 In The Perspective Of Civil Law And Common Law Perspectives," *International Journal Of Accounting, Management, Economics And Social Sciences (Ijamesc)* 1, No. 6 (2023): 1005-13, <https://doi.org/10.61990/Ijamesc.V1i6.129>.

Constitutional Court's decision Number 02/Constitutional Court/L/11/2023 who dismissed Anwar Usman as chairman of the Constitutional Court.⁷

Problems that are still related to the decision 90/PUU-XXI/2023 do not stop at the Constitutional Court because in its implementation after the Constitutional Court decision, Anwar Usman is still taking legal action in order to face the Constitutional Court's decision by filing a lawsuit at the State Administrative Court (hereinafter referred to as PTUN).⁸

The Honorary Council of the Constitutional Court itself was formed based on Constitutional Court Regulation Number 1 of 2023 concerning the Honorary Council of the Constitutional Court.

The duties and authorities of the Honorary Council of the Constitutional Court are:

1. Maintain the dignity and honor of the Court.
2. Examine and decide on alleged violations of the Code of Ethics and Conduct of Constitutional Judges.
3. Alleged violations of the Code of Ethics and Behavior for Constitutional Judges can be examined and decided within a maximum of 30 working days after the report is recorded in e-BRLTP.
4. If the inspection period has not been completed for 30 days, it can be extended by a maximum of 15 further working days.

The handing down of the decision of the Honorary Council of the Constitutional Court Number 02/MKMK/L/11/2023 which dismissed Anwar Usman as chairman of the Constitutional Court raises issues regarding the legality of the decision of the Honorary Council of the Constitutional Court. An analysis can be carried out regarding the decision of the Honorary Council of the Constitutional Court so that whether Anwar Usman can really be dismissed. with the MKMK Decision.

Previous research has been made in the form of several articles which the author will describe, as follows: the first was made by Mohammad Iqbal Alif Auliadi et al, 2024 concerning The Consequences of Violations of The Code of Ethics of MK Judges On The Enforcement of MK Ruling Number 90/PUU-XXI/2023. This article highlights how violations The code of ethics implemented by Constitutional Court judges can influence the legitimacy and integrity of Constitutional Court decisions. In the context of Constitutional Court Decision no. 90/PUU-XXI/2023, if there is a violation of the code of ethics by the judge who decides, then the MK judge's decision has the potential to be ineffective and actually create legal uncertainty for the community. However, according to MK Regulation No. 1 of 2023, MK decision no. 90 remains in effect even though there are differences of opinion in the MK Honorary Council. This reflects that the legal principle of the Constitutional Court's decision is final and binding. Even though there is room for debate and discussion, the Constitutional Court's decision must still be respected and well received by all parties, including the MK Honorary Council⁹. Then the

⁷ Haru & Oppy Pramudya Wisnu Wardhana Permadi, "Konflik Kepentingan Dalam Putusan Mk Nomor 90/Puu/Xxi/2023," *Maksigama* 17, No. 2 (2023): 113-29, <https://Maksigama.Wisnuwardhana.Ac.Id/Index.Php/Maksigama/Article/View/149>.

⁸ Lismanida And Zainal Arifin, "Understanding The Decision Of The Constitutional Court Number 90/Puu-Xxi/2023 In The Perspective Of Civil Law And Common Law Perspectives."

⁹ Laila Intansari And Samsul Arifin, "Konsekuensi Pelanggaran Kode Etik Hakim Mk Terhadap Berlakunya Putusan Mk Nomor 90/Puu-Xxi/2023" 4, No. 90 (2024): 1-16.

second was written by Nala Syandhira Suzeeta et al regarding Violations of the Code of Ethics by Constitutional Court Judges Related to Decisions Constitutional Court Number 90/Puu-Xxi/2023 discusses the case that occurred regarding the Chief Justice of the Constitutional Court namely Anwar Usman was proven to have violated the professional code of ethics as a constitutional judge. The trial led by Jimly Asshiddiqie as Chair of the MKMK produced MKMK Decision Number 02/MKMK/L/11/2923 which states that Anwar Usman was given sanctions in the form of dismissal from his position as Chairman of the Constitutional Court.

Anwar Usman is proven to have done it serious violations violate the code of professional ethics and behavior of judges. Principles that have been violated including the principle of impartiality, the principle of integrity, the principle of skill and thoroughness, principle independence, and the principles of appropriateness and politeness. In this case, MKMK is a tool that was indeed formed by the Constitutional Court with the aim of maintaining and upholding honor, nobility and dignity have the authority to examine and decide on allegations of existence violation of the code of ethics and behavior of constitutional judges¹⁰. and the third was made by Bintang D et al in 2023 regarding VIOLATIONS OF THE CODE OF ETHICS: Violations of the Code of Ethics Committed by Anwar Usman as Chairman of the Constitutional Court discussing ethics, professional code of ethics, and Sapta Karsa Hutama as a guide for constitutional judges provides an in-depth understanding of values that should be upheld in carrying out duties and responsibilities. Unfortunately, in the case of Anwar Usman, there appears to be a violation of principles integrity, professionalism and fairness. From an ethical management perspective, it appears that the decisions taken by Anwar Usman did not only involve conflict interests but also violates the principles of Deontology, Teleology/Consequentialism, and Virtue Ethics. For example, violations of the principles of integrity and professionalism This can be seen in Anwar Usman's non-neutrality regarding the lawsuit involving his family Alone. This shows that strong leadership ethics are very important for ensure integrity and fairness in decision making. In a management context public services, illustrates the public's trust in institutions governance can be eroded due to ethical violations. Use of authority and decisions which are not in accordance with ethical principles can damage the image of public sector services. Therefore, leaders and government institutions must always adhere to the principles ethical principles in every action and decision taken¹¹.

Filing the PTUN lawsuit itself is interesting because it raises the question of whether the Constitutional Court's decision regarding violations of the code of ethics can be annulled by the PTUN's decision or not and it is also still related to the existence of the Constitutional Court's decision. An analysis of the Constitutional Court's decision can also be carried out so that later it can be explained. whether Anwar Usman can really be said to have violated the code of ethics or not. Therefore, starting from the matter as explained above, the author would

¹⁰ Nala Syandhira Suzeeta And Kayus Kayowuan Lewoleba, "Pelanggaran Kode Etik Oleh Hakim Mahkamah Konstitusi Terkait Dengan Putusan Mahkamah Konstitusi Nomor 90/Puu-Xxi/2023," *Madani: Jurnal Ilmiah Multidisiplin* 1, No. 11 (2023): 256, <https://doi.org/10.5281/Zenodo.10252190>.

¹¹ D Bintang, M Roido, And G Juliana, "Pelanggaran Kode Etik: Pelanggaran Kode Etik Yang Dilakukan Oleh Anwar Usman Selaku Ketua Mahkamah Konstitusi," *Kultura: Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 1, No. 2 (2023): 48.

like to highlight it in this article with the title "Legal Certainty in the Decisions of the Honorary Council of the Constitutional Court: A Case Study of Chairman Anwar Usman's Ruling".

2. Methods

This type of research is included in the juridical-normative category, namely research carried out by examining theories, concepts, legal principles and statutory regulations that are appropriate and related to the object of research. This research uses a statutory approach and a case approach. Then the data that has been obtained is processed qualitatively and presented in descriptive form, with the aim of providing data as accurately as possible regarding the problems that will be discussed in this article.

3. Results and Discussion

Based on the initial description which explains the series of events, it can be concluded that there was something suspicious in the decision-making process on case 90/PUU-XXI/2023 by the Constitutional Court. Through this decision, it can be seen that there are additional factors that cause suspicion, especially due to the discrepancy in the Constitutional Court's statement regarding similar cases.¹² Initially, the Constitutional Court stated that this case would be better handled by the legislative body. However, when the same case was submitted again, with special emphasis on a figure in the petition, namely Gibran Rakabuming, the Constitutional Court decided to partially grant the petition. As a result, there were allegations of violations of the code of ethics and behavior of judges in decisions that were considered too political and prioritized the personal interests of certain parties, especially former Chief Justice of the Constitutional Court Anwar Usman who is Gibran Rakabuming's uncle.¹³

In relation to the Constitutional Court which is supposed to be an independent institution and not influenced by anyone, of course the allegations as explained above cannot be tolerated. In connection with this matter, based on the Decree of the Chairman of the Constitutional Court Number 10 of 2023, the Honorary Court of the Constitutional Court (was formed in order to resolve the alleged conflict of interest. The actions taken by the Constitutional Court in order to overcome this problem itself were by conducting an examination by asking for information, holding a follow-up hearing and carrying out a follow-up examination until finally deciding on a final verdict on the alleged ethical violation.¹⁴

The implementation of these various examinations must be based on the 7 principles contained in the Sapa Karsa Utama or the Constitutional Court's code of ethics which include: independence, impartiality, integrity, appropriateness and fairness, equality, skill and thoroughness, as well as wisdom and prudence. If an analysis is carried out, it is true that the

¹² Novitalia, Khairani Hasibuan, And Budi Aspani, "Kredibilitas Mahkamah Konstitusi Pasca Putusan Mk Nomor: 90/Puu-Xxi/2023," *Solusi* 22, No. 1 (2024): 24-35.

¹³ Cantika Dhea Marshanda Zulqarnain, Nararya Salsabila Zamri, And Raesa Mahardika, "Analisis Pelanggaran Kode Etik Dalam Kasus Pemberhentian Ketua Mk Anwar Usman Terkait Putusan Batas Usia Capres Dan Cawapres Pada Pemilu 2024," *Kultura: Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 1, No. 2 (2023): 85-94.

¹⁴ Ahmad Fadlil Sumadi, "Independensi Mahkamah Konstitusi," *Jurnal Konstitusi* 8, No. 5 (2016): 631, <https://doi.org/10.31078/jk851>.

actions taken by Anwar Usman have violated several of these principles, of which the principles violated include the following:

1) Principle of Integrity

Anwar Usman's actions actually violated this principle because constitutional judges should try to increase public confidence in the Constitutional Court's reputation. The allegations that occurred after Decision 90/PUU-XXI/2023 certainly gave rise to many counter-narratives by the public which indirectly reduced public trust in the Constitutional Court and by decreasing this trust, Anwar Usman had violated this principle.

2) Principle of Impartiality

Whereas in implementing number 5 letter b, this principle orders constitutional judges to resign from examining a case if the judge is deemed unable to maintain a neutral attitude because there is a family relationship that has a direct interest. This is also in line with Law Number 48 of 2009 concerning Judicial Power Article 17 paragraph (3). In Anwar Usman's situation, it can be concluded that he had no good intentions in withdrawing from case 90/PUU-XXI/2023 so he was proven to have violated the judge's code of ethics.

3) The principle of skill and thoroughness

According to this principle, constitutional judges must be competent and thorough in carrying out their duties. In decision 90/PUU-XXI/2023, Anwar Usman was not competent in carrying out his duties as chairman of the Constitutional Court because in this decision the implementation of the case did not proceed efficiently, well and on time, marked by the occurrence of concurring opinions by two judges which were substantially dissenting opinions.

4) Principle of Independence

That by referring to the decision of the Constitutional Court, Anwar Usman is considered to have violated this principle because Anwar Usman as chairman of the Constitutional Court has exposed intervention from outside parties which violates the Constitutional Court's code of ethics.

5) Principles of Appropriateness and Positivity

Violation of this principle itself relates to judges who should not disclose confidential information related to their work and duties. This was deemed to have been violated because there was leaked trial information as published in Tempo Magazine.¹⁵

The violations as explained above, in the author's opinion the dismissal of Anwar Usman as Chief Justice of the Constitutional Court as stated in the Constitutional Court Decision Number 02/Constitutional Court/L/11/2023 is correct because the evidence of ethical violations has been truly proven as explained above. Even though the implementation of the Constitutional Court's decision has been appropriate, in the author's opinion the enforcement of the Constitutional Court's code of ethics can still be maximized. This maximization can be

¹⁵ Mellani Mugia Adhita, "Independensi Hakim Mahkamah Konstitusi Dalam Perkara Pengujian Uu Yang Memuat Conflict Of Interest Pada Putusan Mk No 90/Puu-Xxi/2023," No. 90 (2023): 1-17, <https://doi.org/10.11111/Nusantara.Xxxxxx>.

done by changing the ad hoc nature of the Constitutional Court to a temporary one and making the Constitutional Court a truly independent institution. This is important in itself considering that due to its temporary nature, the Constitutional Court will not be effective in taking action against alleged violations of the code of ethics because the Constitutional Court can only carry out its duties when there are reports and orders from the code of ethics.¹⁶ Departing from the various presentations as explained above, in fact, according to the author, various changes need to be made in order to guarantee the implementation of the Constitutional Court's duties, where these changes are in the form of improving ethical management so that supervision of the enforcement of the code of ethics can be carried out optimally and also changing the Constitutional Court into a permanent independent institution so that later various Alleged violations of the code of ethics can be immediately prosecuted.

The author agrees with the MKMK decision mentioned above, however the author does not agree with the automatic and immediate dismissal of Anwar Usman, because in his appointment as Chief Justice of the Constitutional Court Anwar Usman (Chairman of the Constitutional Court) was appointed and appointed by the President of the Republic of Indonesia as Head of State.

After the Constitutional Court's decision, Anwar Usman filed legal action with the State Administrative Court (PTUN). In fact, the legal action proposed by Anwar Usman is an interesting matter because the decision of the Constitutional Court cannot be sued at the PTUN as attempted by Anwar Usman. This can happen because the Constitutional Court is an ad hoc institution which has special authority to adjudicate ethical violations of constitutional judges and take disciplinary action against constitutional judges so that by referring to this matter, the Constitutional Court's decision is final and binding.¹⁷

Filing a lawsuit against the decision of the Constitutional Court is reinforced by the statement of Mahfud MD as the Coordinating Minister for Political, Legal and Security Affairs of Indonesia (Menkopolkam) who explains that the decision of the Constitutional Court is not a state administration decision and therefore it cannot be filed for an annulment of the decision of the Constitutional Court. through the state administrative court.¹⁸ This is in line with the definition of State Administrative Decisions based on Law Number 5 of 1986 concerning State Administrative Courts as last amended by Law Number 51 of 2009, namely a written decision issued by an administrative agency or official state which contains state administrative legal acts based on applicable laws and regulations, which are concrete,

¹⁶ Mayandri Suzarman, "Tinjauan Terhadap Putusan Mahkamah Konstitusi Dan Implikasinya Terhadap Kewenangan Komisi Yudisial Berdasarkan Undang-Undang Nomor 22 Tahun 2004 Tentang Komisi Yudisial" (Universitas Islam Riau Pekanbaru, 2019).

¹⁷ Zuhro Nuridahwati, "Karakter Final Putusan Mahkamah Konstitusi Dalam Melaksanakan Kewenangan Sesuai Pasal 24c Ayat (1) Undang-Undang Dasar Negara Republik," *Read Kertha* 03, No. 1 (2020): 94-108, [Http://www.ejournal.universitasmahendradatta.ac.id/index.php/raadkertha/article/view/171/168](http://www.ejournal.universitasmahendradatta.ac.id/index.php/raadkertha/article/view/171/168).

¹⁸ Cecep Prayatno, Tri Susilowati, And Korespondensi Penulis, "Pemilihan Umum Serentak Tahun 2024 Berdasarkan Putusan Mahkamah Konstitusi Republik Indonesia," *Perkara: Jurnal Ilmu Hukum Dan Politik* 1, No. 4 (2023): 168-80, [Https://doi.org/10.51903/perkara.v1i4](https://doi.org/10.51903/perkara.v1i4).

individual and final in nature, which give rise to legal consequences for a person or civil legal entity. If Anwar Usman wants to file a lawsuit against the decision of the Constitutional Court, the legal step that Anwar Usman can take is to submit a judicial review (PK) to the Constitutional Court or in this case file a lawsuit to the Supreme Court if there are strong reasons and legal grounds to the contrary. with the decision of the Constitutional Court.

According to the author, if Anwar Usman files an objection through the PTUN then the object of the lawsuit is not a decision of the Constitutional Court which decides that there has been a violation of the code of ethics, but rather the object of the lawsuit is related to the decision to appoint the new chief justice of the Constitutional Court.¹⁹ This was only right for Anwar Usman to do because the appointment of the chairman of the Constitutional Court was a form of state administrative decision which in this case was issued by the Constitutional Court. Apart from that, by filing this lawsuit, in the author's opinion, it can also be carried out by Anwar Usman on the basis of a personnel dispute, where in this case Anwar Usman has Legal Standing as the previous chairman of the Constitutional Court.

Based on the various efforts that Anwar Usman can submit, it can be concluded that the Constitutional Court decision that has been issued against Anwar Usman cannot be challenged at the PTUN because the Constitutional Court decision is not a state administrative decision so it does not fall within the scope of what can be litigated in the administrative court.²⁰ Another reason that could be the basis for rejecting or inaccurately referring to the PTUN's lawsuit in relation to the Constitutional Court's decision is related to the ad hoc nature inherent in the Constitutional Court.

4. Conclusions

Based on the various analytical explanations that have been presented, the author concludes that compliance with ethical standards in the decision-making process in law enforcement institutions is a crucial element in maintaining the trust and reputation of state administration in the eyes of the public. The presence of ethical standards in the Constitutional Court is considered the foundation for upholding constitutional principles which are moral and behavioral guidelines for all members of the judiciary. Anwar Usman's inability to withdraw from judicial review of cases with close conflicts of interest sparked doubts among the public about his neutrality as a constitutional judge, which in turn undermined public trust in the credibility and integrity of the Constitutional Court. Interference from outside parties in the decision-making process also threatens the independence of the Constitutional Court as a judicial institution which should be free from intervention. The impact of this ethical violation extends to the public sphere, reflected in the emergence of opposing points of view from the media and public criticism which shows skepticism and doubt regarding the Constitutional Court's credibility. As a result, the Constitutional Court's reputation as a law enforcement institution is experiencing a shock and its image is increasingly fading in the eyes of the public.

¹⁹ Wahyu Aji Ramadan, Irma Aulia Pertiwi Nusantara, And Tanti Mitasari, "Reformulasi Pengawasan Mahkamah Konstitusi Demi Meningkatkan Efektivitas Penegakan Kode Etik Hakim Konstitusi," *Jurnal Studia Legalia* 3, No. 02 (2022): 21-43, <https://doi.org/10.61084/Jsl.V3i02.29>.

²⁰ Suparto, "Analisis Terhadap Putusan Mahkamah Konstitusi Nomor 05 / Puu- Iv / 2006 Tentang Pengujian Undang Undang Nomor 22 Tahun 2004 Tentang Komisi Yudisial," *Pagaruyang Law Journal* 2, No. 2 (2019): 200-220.

Apart from that, in relation to the decision of the Constitutional Court which is not a state administrative decision, it is not included in the scope of what can be litigated in the state administrative court. Apart from that, the Constitutional Court is ad hoc, which means that the Constitutional Court's decision cannot be submitted for further legal action to the PTUN.

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6. Reference

- Aritonang, Dinoroy M. "Peranan Dan Problematika Mahkamah Konstitusi (Mk) Dalam Menjalankan Fungsi Dan Kewenangannya The Role And Problems Of Constitutional Court Of Indonesia In Running Its Function And Authority." *Ilmu Administrasi* 10, No. 3 (2013): 373-89.
- Bintang, D, M Roido, And G Juliana. "Pelanggaran Kode Etik: Pelanggaran Kode Etik Yang Dilakukan Oleh Anwar Usman Selaku Ketua Mahkamah Konstitusi." *Kultura: Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 1, No. 2 (2023): 48.
- Hardianto, Hanif, Sri Wahyu Krida Sakti, And Meliza Meliza. "Masalah Batas Usia Calon Presiden Dan Calon Wakil Presiden: Studi Open Legal Policy Dalam Putusan Mk No. 90/90/Puu-Xxi/2023." *Jurnal Supremasi* 14 (2024): 15-27. <https://doi.org/10.35457/Supremasi.V14i1.3313>.
- Intansari, Laila, And Samsul Arifin. "Konsekuensi Pelanggaran Kode Etik Hakim Mk Terhadap Berlakunya Putusan Mk Nomor 90/Puu-Xxi/2023" 4, No. 90 (2024): 1-16.
- Lismanida, And Zainal Arifin. "Understanding The Decision Of The Constitutional Court Number 90/Puu-Xxi/2023 In The Perspective Of Civil Law And Common Law Perspectives." *International Journal Of Accounting, Management, Economics And Social Sciences (Ijamesc)* 1, No. 6 (2023): 1005-13. <https://doi.org/10.61990/Ijamesc.V1i6.129>.
- Mayandri Suzarman. "Tinjauan Terhadap Putusan Mahkamah Konstitusi Dan Implikasinya Terhadap Kewenangan Komisi Yudisial Berdasarkan Undang-Undang Nomor 22 Tahun 2004 Tentang Komisi Yudisial." Universitas Islam Riau Pekanbaru, 2019.
- Mellani Mugia Adhita. "Independensi Hakim Mahkamah Konstitusi Dalam Perkara Pengujian Uu Yang Memuat Conflict Of Interest Pada Putusan Mk No 90/Puu-Xxi/2023," No. 90 (2023): 1-17. <https://doi.org/10.11111/Nusantara.Xxxxxxx>.
- Novitalia, Khairani Hasibuan, And Budi Aspani. "Kredibilitas Mahkamah Konstitusi Pasca Putusan Mk Nomor: 90/Puu-Xxi/2023." *Solusi* 22, No. 1 (2024): 24-35.
- Perdana Aditya, And Imam Muhammad. "Judisialisasi Politik Dalam Putusan Mk Terkait Batas Usia Cawapres Dalam Pilpres 2024." *Jurnal Pengawasan Pemilu* 4 (2024): 69-92.
- Permadi, Haru & Oppy Pramudya Wisnu Wardhana. "Konflik Kepentingan Dalam Putusan Mk Nomor 90/Puu/Xxi/2023." *Maksigama* 17, No. 2 (2023): 113-29. <https://maksigama.wisnuwardhana.ac.id/index.php/maksigama/article/view/149>.
- Prayatno, Cecep, Tri Susilowati, And Korespondensi Penulis. "Pemilihan Umum Serentak Tahun 2024 Berdasarkan Putusan Mahkamah Konstitusi Republik Indonesia." *Perkara: Jurnal Ilmu Hukum Dan Politik* 1, No. 4 (2023): 168-80. <https://doi.org/10.51903/Perkara.V1i4>.
- Ramadan, Wahyu Aji, Irma Aulia Pertiwi Nusantara, And Tanti Mitasari. "Reformulasi Pengawasan Mahkamah Konstitusi Demi Meningkatkan Efektivitas Penegakan Kode Etik Hakim Konstitusi." *Jurnal Studia Legalia* 3, No. 02 (2022): 21-43.

- <https://doi.org/10.61084/jsl.v3i02.29>.
- Sumadi, Ahmad Fadlil. "Independensi Mahkamah Konstitusi." *Jurnal Konstitusi* 8, No. 5 (2016): 631. <https://doi.org/10.31078/jk851>.
- Suparto. "Analisis Terhadap Putusan Mahkamah Konstitusi Nomor 05 / Puu- Iv / 2006 Tentang Pengujian Undang Undang Nomor 22 Tahun 2004 Tentang Komisi Yudisial." *Pagaruyang Law Journal* 2, No. 2 (2019): 200–220.
- Suzeeta, Nala Syandhira, And Kayus Kayowuan Lewoleba. "Pelanggaran Kode Etik Oleh Hakim Mahkamah Konstitusi Terkait Dengan Putusan Mahkamah Konstitusi Nomor 90/Puu-Xxi/2023." *Madani: Jurnal Ilmiah Multidisiplin* 1, No. 11 (2023): 256. <https://doi.org/10.5281/zenodo.10252190>.
- Wijayanti, Winda. "Eksistensi Undang-Undang Sebagai Produk Hukum Dalam Pemenuhan Keadilan Bagi Rakyat (Analisis Putusan Mahkamah Konstitusi Nomor 50/Puu-X/2012)." *Jurnal Konstitusi* 10, No. 1 (2016): 179. <https://doi.org/10.31078/jk1018>.
- Zuhro Nuridahwati. "Karakter Final Putusan Mahkamah Konstitusi Dalam Melaksanakan Kewenangan Sesuai Pasal 24c Ayat (1) Undang-Undang Dasar Negara Republik." *Read Kertha* 03, No. 1 (2020): 94–108. <http://www.ejournal.universitasmahendradatta.ac.id/index.php/raadkertha/article/view/171/168>.
- Zulqarnain, Cantika Dhea Marshanda, Nararya Salsabila Zamri, And Raesa Mahardika. "Analisis Pelanggaran Kode Etik Dalam Kasus Pemberhentian Ketua Mk Anwar Usman Terkait Putusan Batas Usia Capres Dan Cawapres Pada Pemilu 2024." *Kultura: Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 1, No. 2 (2023): 85–94.