

# Constitutional Court of Indonesia Decision Number 90 After the MKMK Decision and Its Implementation

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**Abstract:** This research employs a normative juridical approach with a focus on legislative analysis. It evaluates how formal defects and ethical violations by judges impact legitimacy and public perception. The main findings indicate that these two decisions cast doubt on constitutional compliance and legal validity, highlighting the need for stronger review mechanisms and oversight to uphold the integrity of the Constitutional Court (MK). The purpose of this study is to identify the impact of formal defects and ethical violations by judges in Constitutional Court Decision No. 90 and Constitutional Court Honorary Council (MKMK) Decision No. 2/MKMK/L/11/2023 on constitutional legal principles in Indonesia. The conclusion shows that legal validity, constitutional compliance, finality, and the binding nature of Constitutional Court decisions, along with the integrity and reputation of the Constitutional Court, play significant roles in Indonesia's constitutional law. It was found that Constitutional Court Decision No. 90 and MKMK Decision No. 2 of 2023, related to formal defects and ethical violations, have a significant impact on the legitimacy and public perception of the constitutional justice system. Although the finality and binding nature of Constitutional Court decisions are fundamental to legal certainty, a review mechanism is needed in certain situations, especially when formal defects or ethical violations occur. Formal defects and ethical violations can erode public trust and pose serious challenges to the dignity of the constitutional judiciary.

**Keywords:** Constitutional Court Decision No. 90; MKMK Decision; Constitutional Compliance

## 1. Introduction

In the realm of Indonesian constitutional law, the Constitutional Court (MK) stands as the guardian of constitutional supremacy, tasked with the important duty of upholding constitutional justice (Argawati, 2022). However, when the internal integrity of the MK is tarnished by formal defects, especially ethical violations committed by its own judges, as reflected in Constitutional Court Decision No. 90 and MKMK Decision No. 2/MKMK/L/11/2023, deep questions arise regarding legal validity and constitutional compliance (Suparto, 2019).

Constitutional Court Decision No. 90, which entails changes to the age requirements for presidential and vice-presidential candidates, along with MKMK Decision No. 2/MKMK/L/11/2023, which examines ethical violations by a judge in this case, has become the center of debate regarding the legitimacy and authority of the MK in upholding the law. This issue touches not only on technical legal aspects but also on the foundation of public trust in one of the pillars of democracy. Here, the principle of finality and the binding nature of the MK's decisions—which should serve as the bulwark of legal certainty—may be threatened (Argawati, 2022).

This formal defect creates a serious constitutional dilemma, testing the limits of constitutional legal doctrine and judicial ethics, and touching the core of the integrity and dignity of the Constitutional Court (Suzeeta & Lewoleba, 2023). This study aims to unravel the complexities of this issue, exploring the relevant legal foundations and norms, and assessing the implications of this problem for constitutional justice and public trust (Butt, 2021)(Sakti Koeswanto et al., 2023).

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Furthermore, the urgency of addressing formal defects in the Constitutional Court's (MK) decisions, particularly those related to ethical violations by judges, becomes important in the context of constitutional law (Raga Nata & Ramadhani Baskoro, 2023). If this issue is not addressed, there is a serious risk to the legitimacy and authority of the MK as the guardian of constitutional supremacy (Idris, 2021), (Suzeeta & Lewoleba, 2023).

The concepts of legal certainty and constitutional justice, which form the operational basis of the MK, could be called into question (Lismanida & Zainal Arifin, 2023), (Satoto & Hoesein, 2024). According to Rawls' theory of justice, a judicial institution that loses public trust can erode the very foundations of democracy itself (Nurhayati et al., 2021). Moreover, the failure to uphold ethical standards and integrity within the MK could create a dangerous precedent, potentially weakening the principle of finality and the binding nature of constitutional decisions. In the long term, this phenomenon not only threatens the authority of the MK but also the integrity of the entire judicial system, undermining public trust and raising doubts about the justice delivered by the legal system. Therefore, addressing this issue is not only important to maintain the MK's integrity but also to ensure that this institution continues to function as a primary pillar in safeguarding Indonesia's constitution and democracy (Narwoko et al., 2021).

The main issues identified in this study are: first, the impact of Constitutional Court Decision No. 90 and Constitutional Court Honorary Council (MKMK) Decision No. 2/MKMK/L/11/2023 on constitutional legal principles in Indonesia, particularly related to constitutional compliance, the finality and binding nature of MK decisions, as well as the integrity and dignity of the Constitutional Court. Second, the formal defects and ethical violations by judges in these two decisions raise doubts about legal legitimacy and public trust in the MK as the guardian of constitutional supremacy, which in turn may threaten legal stability and the principles of constitutional justice in Indonesia.

In response to the urgency of the issues outlined, a review of previous studies that have provided insights or solutions regarding formal defects in Constitutional Court (MK) decisions and their implications becomes essential. One relevant study titled "Enforcement of the Constitutional Judge's Professional Code of Ethics" (Tobu et al., 2024) examines the accountability of judges who violate the professional code of ethics, particularly in the case of Anwar Usman in Decision No. 90/PUU-XXI/2023. This study uses a normative juridical method, referring to legislation and legal norms, and evaluates the role of the Constitutional Court Honorary Council (MKMK) in handling code of ethics violations. The results highlight the importance of upholding the dignity and honor of the MK through the application of proportional and effective sanctions. However, the "Enforcement of the Constitutional Judge's Professional Code of Ethics" focuses on judge accountability and the role of the MKMK in specific cases. This study falls short in exploring how formal defects, such as ethical violations, specifically affect the validity and effectiveness of MK decisions in the context of constitutional law. It tends to focus more on procedural aspects than on the broader legal implications of such violations. Formal defects that occur in the decision-making process at the Constitutional Court (MK) include violations of the code of ethics by judges and potential conflicts of interest, as reflected in Constitutional Court Decision Number 90 and Decision of the Constitutional Court Honor Council (MKMK) Number 2/MKMK/L/11/2023. These flaws have serious implications for the legal validity of the Court's decisions in the long run.

Furthermore, the study "Juridical Analysis of the Constitutional Court Decision Regarding the Determination of Presidential and Vice-Presidential Candidates and its Impact on Law Enforcement and Legal Certainty in Indonesia" (Muhdar & Susilowati, 2023) focuses on the authority of the MK in determining presidential and vice-presidential candidates and the implications of this decision for law enforcement and legal certainty in Indonesia. In this context, the study investigates the controversy arising from Constitutional Court Decision No. 90/PUU-XXI/2023, highlighting its connection to the alleged code of ethics violation by the Chief Justice of the Constitutional Court. This research reveals how conflicts of interest can affect the integrity of decisions and raise public concerns about the independence of the MK. Although it discusses con-

flicts of interest and judicial independence, it does not fully explore how formal defects can affect the legitimacy and dignity of the MK as a constitutional institution. Moreover, it lacks an in-depth analysis of how conflicts of interest and ethical violations in this decision interact with the principle of finality and the binding nature of MK decisions.

In conclusion, although previous studies have made important contributions to our understanding of ethical and constitutional legal issues, there are significant gaps in the existing literature. Specifically, further research is needed to deeply understand the constitutional legal implications of formal defects in MK decisions, particularly in the context of the principle of finality and the binding nature of decisions, as well as their impact on public trust and the integrity of the MK as a constitutional law enforcement institution.

## 2. Materials and Methods

The research method in this study uses a normative juridical approach, focusing on the analysis of the impact of Constitutional Court Decision No. 90 and Constitutional Court Honorary Council (MKMK) Decision No. 2/MKMK/L/11/2023 on constitutional legal principles in Indonesia, particularly concerning constitutional compliance, decision finality, and the integrity of the Constitutional Court (Budianto, 2020). The normative approach in this research refers to an analytical method that focuses on examining legal rules, principles, and norms that apply to evaluate a legal phenomenon (Negara, 2023).

This approach not only highlights how the law should be applied according to existing regulations but also analyzes whether a decision or legal action has adhered to the normative standards in place. In the context of this study, the normative approach is used to assess the conformity of Constitutional Court Decision No. 90/PUU-XXI/2023 with established legal principles and to explore the legal and ethical implications of the decision in maintaining the integrity and independence of the judiciary in Indonesia.

The research involves in-depth analysis of legal documents, including the two decisions, as well as relevant regulations such as the 1945 Constitution of the Republic of Indonesia. Through a qualitative approach, data is collected through document studies from various primary and secondary sources. The data is then classified based on key themes such as decision finality and institutional integrity, and analyzed using descriptive, hermeneutic, and heuristic approaches. This analysis aims to identify the impact of the two decisions on the application of constitutional legal principles in Indonesia. The final research report includes findings, analysis, and recommendations to improve constitutional legal practices related to the Constitutional Court.

## 3. Results and Discussion

This study aims to evaluate and analyze the legal and ethical implications of Constitutional Court Decision No. 90/PUU-XXI/2023, particularly in the context of judicial independence and public trust in the judicial system in Indonesia. The main questions raised in this research are whether the decision aligns with established legal principles and how potential deviations from legal norms and ethical violations by judges can affect the legitimacy of the Constitutional Court. To answer these questions, the following Results and Discussion section will outline the key findings related to formal defects in this decision, potential bias, and its impact on law enforcement in Indonesia.

### 3.1. Context of Constitutional Court Decision No. 90/PUU-XXI-2023 and MKMK Decision No. 2/MKMK/L/11/2023

Constitutional Court Decision No. 90/PUU-XXI-2023 raises deep questions about legal validity and constitutional compliance in the context of Indonesian law. This decision, which relates to the minimum age requirement for presidential and vice-presidential candidates, plays a critical role in shaping our understanding of the Constitutional Court's role in safeguarding the constitution as well as its interpretation and application in the legal system. The Constitutional Court (MK), as the guardian of the constitution, is tasked with interpreting the 1945 Constitution of the Republic of Indonesia and existing

laws. Decision No. 90 highlights how the MK interpreted Article 169, letter q, of Law No. 7 of 2017 concerning General Elections, which initially set the minimum age for presidential and vice-presidential candidates at 40 years old. In this controversial decision, the MK ruled that the minimum age requirement was unconstitutional unless interpreted to allow regional heads under the age of 40 who are currently serving or have served to qualify as candidates. This decision sparked various reactions, as it was perceived to open opportunities for Gibran Rakabuming Raka, the Mayor of Solo, to run for president (Muhdar & Susilowati, 2023).

This decision ignited debates over the concepts of *ultra vires* and *ultra petita*, with critics arguing that the MK overstepped its authority by not only interpreting the existing law but effectively creating a new norm (Suparto, 2019). This raises questions about the boundary between legislative and judicial functions, as well as how the MK interprets and applies the constitution in changing contexts. Additionally, Decision No. 90 also opened a discussion on the MK's role as a "negative legislator," which has seemingly transformed into that of a "positive legislator." This shifts the traditional understanding of the MK's role, previously seen as the guardian of the constitution that merely invalidates unconstitutional legal norms (Argawati, 2022).

Furthermore, MKMK Decision No. 2/MKMK/L/11/2023, which addressed ethical violations by MK judges, particularly in the decision on the minimum age requirement for presidential and vice-presidential candidates, reflects the institution's commitment to judicial integrity and ethics (BN et al., 2023; see Edo Maranata Tambunan et al., 2024). MKMK Decision No. 2/MKMK/L/11/2023 continues the MK's long-standing tradition of ethical oversight, reaching a peak in the case of Akil Mochtar, a former MK Chief Justice who was dishonorably discharged for corruption and violations of the code of ethics. This incident was a significant turning point in the MK's history, underscoring the need for strict supervision of the ethical behavior of constitutional judges (Pujianti, 2023), (Aziz, 2023).

In the context of Constitutional Court Decision No. 90/PUU-XXI-2023 on the minimum age requirement for presidential and vice-presidential candidates, the MKMK found that MK judges involved in the decision violated the code of judicial conduct. These actions, which included failures to maintain the confidentiality of deliberation meetings and allowing conflicts of interest, raised serious concerns about the integrity of the decision-making process within the MK (Feng, 2021).

MKMK Decision No. 2/MKMK/L/11/2023 not only harkens back to the case of Akil Mochtar but also emphasizes the importance of maintaining high ethical standards within the MK (Suzeeta & Lewoleba, 2023). The sanctions imposed on the judges reaffirm the MK's commitment to upholding the code of conduct and judicial behavior, which is crucial to maintaining public trust in the constitutional justice system. Moreover, MKMK Decision No. 2/MKMK/L/11/2023 highlights the challenges the MK faces in balancing judicial independence and ethical accountability. In the context of Indonesian constitutional law, this decision underscores the need for effective oversight mechanisms to ensure that constitutional judges act in accordance with the highest ethical standards (Suzeeta & Lewoleba, 2023).

In conclusion, MKMK Decision No. 2/MKMK/L/11/2023 in this case underscores the importance of transparency, accountability, and integrity in the MK's decision-making process. It also demonstrates how the institution is taking allegations of ethical violations seriously, which is a crucial component of maintaining legal validity and constitutional compliance in Indonesia. Therefore, this decision is a significant step in strengthening the foundations of constitutional law and preserving the integrity of the Constitutional Court.

### ***3.2. Legal Validity and Constitutional Compliance Implications***

In the context of Indonesian constitutional law, understanding the validity of Constitutional Court (MK) decisions is particularly scrutinized through Decision No. 90 and MKMK Decision No. 2/MKMK/L/11/2023. These decisions illustrate the challenges faced

in maintaining the integrity and legitimacy of constitutional law, revealing the complexities that arise when constitutional legal principles clash with individual ethical behavior in the judicial system (Crime, 2018).

Constitutional Court Decision No. 90, relating to the minimum age requirement for presidential and vice-presidential candidates, has sparked wide debate concerning constitutional compliance and interpretation of the constitution. The MK's decision allows regional heads under 40 years of age to run for president or vice president, raising criticism that the MK overstepped its authority ("ultra vires") and created a new norm that is inconsistent with the MK's traditional role as a "negative legislator" (Suparto, 2019), (Satoto & Hoesein, 2024), (Amnan, 2023).

Subsequently, MKMK Decision No. 2/MKMK/L/11/2023 highlighted ethical violations and breaches of judicial conduct by MK judges related to Decision No. 90. These findings raised serious concerns about the MK's decision-making process and the importance of maintaining the institution's integrity and dignity. Ethical violations by judges not only question the integrity of the individuals involved but also have the potential to undermine public trust in the constitutional justice system (Suzeeta & Lewoleba, 2023).

An analysis of these two decisions involves a deep review of relevant laws and constitutional legal principles. Law No. 24 of 2003 concerning the Constitutional Court serves as an important reference in evaluating the procedures and principles that the MK must follow. When ethical violations by judges occur, there is a tension between the legal principles being applied and the ethical principles that have been violated. Decisions No. 90 and MKMK also open discussions on how similar cases have been handled in the past, providing a broader legal context and showing how formal defects and ethical violations can affect the validity of MK decisions (Raga Nata & Ramadhani Baskoro, 2023).

Constitutional Court Decision No. 90/PUU-XXI/2023 contains significant formal defects, marked by breaches of due process and alleged violations of the code of judicial conduct in the decision-making process. This normative unconstitutionality is indicated when the decision grants an exception that appears inconsistent with established legal principles, particularly regarding the age requirements for presidential and vice-presidential candidates, raising questions about whether the legal basis used in this decision was in accordance with applicable regulations. Additionally, allegations of judicial ethics violations by the judges involved in this decision add complexity to the problem. Failure to maintain confidentiality in deliberations or the potential for conflicts of interest are serious issues that need further analysis. If these allegations are proven, the impact on public perception of the Constitutional Court's integrity will be significant, as this could raise doubts about the objectivity of the resulting decision (M. Nggilu, 2019).

Furthermore, the close relationship between the vice-presidential candidate benefiting from this decision and the President, who holds the highest executive power in Indonesia, raises concerns about potential judicial bias. In a situation where executive power has the potential to influence judicial independence, the risk that legal decisions may be distorted by political interests becomes more tangible. This not only raises concerns about justice in the context of this decision but also has the potential to create an undesirable precedent, where future legal decisions may be perceived as a means to legitimize certain political interests (Kholish & Fitra Ulumuddin, 2022).

When public perception of the fairness and impartiality of the judicial system is disrupted, the impact on law enforcement in Indonesia cannot be underestimated. The perception that legal decisions can be influenced by political intervention risks undermining public trust in a judicial system that ideally should operate independently and free from external influence. This has the potential to create legal instability and increase legal uncertainty in society (M. Nggilu, 2019). Moreover, the bad precedent that may be formed from such decisions can also hinder legal reform efforts aimed at strengthening judicial independence. When such precedents are used as a reference, there is a risk that future legal decisions will tend to follow similar patterns, which could deepen the pub-

lic's trust crisis and threaten fundamental principles such as the rule of law and equal justice before the law (M. Nggilu, 2019).

In the long term, the continuation of decisions perceived as biased can undermine the entire legal system in Indonesia. Judicial institutions, which are supposed to be the last bastion of justice, risk losing their legitimacy if they are seen as subject to political intervention. Therefore, it is critical to address potential judicial bias through strengthening checks and balances between the executive, legislative, and judicial branches. Enhancing transparency and accountability in the legal decision-making process must also be a priority to maintain and strengthen public trust in the legal system.

In conclusion, this case also highlights the need for strong and effective oversight mechanisms to monitor the ethical behavior of constitutional judges. Such oversight is important to prevent future ethical violations and ensure that the MK can effectively fulfill its role in upholding constitutional compliance and legal integrity. Lessons from this case are crucial to ensuring that the MK and Indonesia's legal system as a whole can continue to evolve and adapt in the face of new challenges.

### ***3.3. Finality and Binding Nature of MK Decisions***

The finality and binding nature of MK decisions in the context of Decision No. 90 and MKMK highlights the challenges faced in applying these principles in Indonesia's constitutional legal system (Suparto, 2019). The principle of finality and binding nature of MK decisions, which is a key pillar in providing legal certainty, asserts that decisions issued by the MK are definitive and binding on all parties. This aspect is important to guarantee legal stability and prevent prolonged uncertainty in constitutional interpretation.

The legal foundation of the principle of finality and binding nature of MK decisions is not only derived from the Constitution of the Republic of Indonesia but also from various regulations and laws governing the MK and its functions (Suparto, 2019). This shows that every decision issued by the MK carries legal force that must be adhered to by all parties, including government institutions and citizens, ensuring that the MK's interpretation of the constitution is regarded as the final reference.

However, Decision No. 90, related to the minimum age requirement for presidential and vice-presidential candidates, raises serious questions about the fairness and integrity of the constitutional judicial process (Syandhira Suzeeta & Kayowuan Lewoleba, 2023). The formal defects in this decision, along with ethical violations by judges, illustrate how these issues can erode public trust in MK decisions and challenge the principle of finality and binding nature.

In this context, legal literature and court practice highlight the need for mechanisms that allow for review in certain situations, particularly those involving serious ethical violations or substantial legal defects. This is necessary to maintain the legitimacy of such decisions and ensure that substantive justice and judicial integrity are not sacrificed for the sake of legal certainty (Raga Nata & Ramadhani Baskoro, 2023).

Handling formal defects and ethical violations in the context of MK decisions, as seen in the case of Decision No. 90, requires a careful approach. It is important to uphold the principle of finality and binding nature as a pillar of legal certainty, but it is also crucial to ensure that substantive justice and judicial integrity are not compromised (Argawati, 2022).

Further analysis of how the MK addresses formal defects and ethical violations in Decision No. 90 is essential, not only in the context of this specific decision but also in terms of how such decisions impact the perception of the MK's overall integrity and legitimacy. This discussion highlights the complexity that arises when constitutional legal principles are confronted with ethical and justice issues (Suzeeta & Lewoleba, 2023), (BN et al., 2023).

In the context of Indonesian constitutional law, the principle of finality and binding nature of MK decisions plays a critical role in maintaining legal and constitutional stability. However, handling cases involving formal defects and ethical violations requires a

careful balance between legal certainty and substantive justice (Raga Nata & Ramadhani Baskoro, 2023).

In conclusion, the principle of finality and binding nature in MK decisions must be managed in a way that not only complies with the law but also supports principles of justice and judicial integrity. While MK decisions are final and binding, they must still uphold values of justice and ethics, ensuring that such decisions reflect not only legal certainty but also substantive justice and integrity in the constitutional justice system (Suparto, 2019).

### ***3.4. Integrity and Dignity of the Constitutional Court***

The integrity and dignity of the Constitutional Court (MK) of Indonesia are under sharp scrutiny, particularly in the context of Decision No. 90 and MKMK Decision No. 2/MKMK/L/11/2023. These two decisions have raised serious questions about how legal principles and judicial ethics affect the MK's integrity and dignity as the highest constitutional court in Indonesia. Decision No. 90, which revises the interpretation of Article 169, letter q, of the Election Law regarding the minimum age requirement for presidential and vice-presidential candidates, has sparked controversy. This decision is seen by some as a step beyond constitutional interpretation, raising questions about legal validity and constitutional compliance. The implications of this decision are not only related to its legal content but also to how the decision is perceived by the public, which is crucial to the MK's integrity (de Albuquerque & Wojtyczek, 2019).

Meanwhile, MKMK Decision No. 2/MKMK/L/11/2023, which responds to ethical violations by MK judges in the case of Decision No. 90, highlights the importance of maintaining judicial integrity. Ethical violations by MK judges raise serious doubts about their personal integrity and, more broadly, about the integrity of the MK as an institution. Judicial ethics principles, including independence, impartiality, integrity, and transparency, are the foundations that ensure MK judges act in ways that maintain public trust in the judicial system (de Albuquerque & Wojtyczek, 2019).

The challenge to the MK's integrity posed by Decision No. 90 and the MKMK highlights how this institution interacts with the public and how public perception can influence the legitimacy of MK decisions. In this context, public trust in the MK is vital, as it determines the extent to which society trusts and respects the decisions issued by the MK. When formal defects or ethical violations occur, the MK's response to such incidents becomes critical in maintaining and restoring public trust. The MK must demonstrate its commitment to judicial ethics principles through concrete, transparent, and accountable actions. This includes investigating ethical violations and, if necessary, taking corrective or disciplinary actions.

For example, in the case of MKMK Decision No. 2/MKMK/L/11/2023, the MK has demonstrated its commitment to judicial ethics by establishing the MKMK to investigate and evaluate the behavior of its judges. MKMK Decision No. 2/MKMK/L/11/2023, which found ethical violations by MK judges in the case of Decision No. 90, is tangible evidence of this investigative and evaluative process. It confirms that the MK has taken concrete steps to address ethical issues within its judicial system. In this context, the MKMK serves as an internal oversight mechanism that ensures that any allegations of ethical violations are taken seriously and dealt with in a transparent and fair manner. MKMK Decision No. 2 of 2023, which resulted in sanctions or recommendations for improvement, demonstrates that the MK is committed to maintaining the institution's integrity and dignity by effectively addressing ethical issues (de Albuquerque & Wojtyczek, 2019), (Suparto, 2019).

In facing ethical violations or formal defects, it is important for the MK and related oversight bodies to act swiftly and fairly (Raga Nata & Ramadhani Baskoro, 2023). Such actions not only reflect the institution's responsibility for its integrity but also represent a commitment to the principles of justice and equality before the law. A review of the literature and court practices in various countries shows that judicial institutions facing integrity challenges can recover and even strengthen their reputations through appro-

appropriate and transparent responses. In the MK's context, efforts to maintain and strengthen integrity should be a top priority, especially when dealing with formal defects and ethical violations.

In conclusion, the integrity and dignity of the MK are key elements that influence not only the institution's internal operations but also public perception and trust in the constitutional justice system. Safeguarding this integrity, especially in the face of challenges such as formal defects and ethical violations, is vital to maintaining legitimacy and public trust in the constitutional judiciary in Indonesia (Wicaksono & Rahman, 2022).

### 3.5. Recommendations

It is recommended that the Constitutional Court (MK) strengthen its commitment to the institution's integrity and dignity by taking firmer and more transparent measures in addressing ethical violations and formal defects. It is important for the MK to ensure that every action taken aligns with judicial ethics principles, such as independence, impartiality, and transparency, in order to maintain public trust in the judicial system. Internal oversight mechanisms, such as the Constitutional Court Honorary Council (MKMK), must continue to be optimized to ensure that any allegations of ethical violations are taken seriously and resolved fairly. In addition, the MK should make efforts to improve communication and openness to the public when dealing with these sensitive issues so that the public can directly see the MK's commitment to maintaining the institution's integrity. Thus, the MK will not only maintain its legal legitimacy but also strengthen public trust and solidify its position as a trusted guardian of the constitution in Indonesia.

## 4. Conclusions

Based on the research findings and discussion, it can be concluded that legal validity and constitutional compliance, the finality and binding nature of Constitutional Court (MK) decisions, as well as the integrity and dignity of the MK, play an important role in Indonesia's constitutional law. It was found that Constitutional Court Decision No. 90 and MKMK Decision No. 2 of 2023, related to formal defects and ethical violations, have a significant impact on the legitimacy and public perception of the constitutional judicial system. Although the finality and binding nature of MK decisions are fundamental to legal certainty, a review mechanism is needed in certain situations, especially when formal defects or ethical violations are present. Formal defects and ethical violations can undermine public trust and pose serious challenges to the dignity of the constitutional judiciary. Therefore, it is recommended that the MK and related institutions increase transparency, strengthen internal oversight, handle ethical violations firmly and fairly, and involve civil society in the development of constitutional law to maintain the integrity and public trust in the MK.

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