

**IMPLIKASI CONSTITUTIONAL DISOBEDIENCE ATAS PUTUSAN  
PENGUJIAN UNDANG-UNDANG DI MAHKAMAH KONSTITUSI OLEH  
ADRESSAT PUTUSAN : PERSPEKTIF CHECKS AND BALANCES  
SISTEM KETATANEGARAAN DI INDONESIA**

**Oleh :**

**Asvina Erga Ibtinavilah  
NIM : E1B021005**

**Abstrak**

Kewenangan yang diamanatkan oleh konstitusi kepada MK dalam pengujian undang-undang terhadap UUD 1945 dalam Pasal 24C ayat (1) merupakan mekanisme dari sistem checks and balances. Apabila dikaitkan dalam konteks penegakan supremasi konstitusi, tentu tidak hanya terhenti pada dibatalkannya suatu norma undang-undang yang bertentangan dengan konstitusi, melainkan bagaimana putusan pembatalan tersebut yang kemudian dipatuhi dan ditindaklanjuti. Namun demikian, dalam perkembangan ketatanegaraan Indonesia belakangan ini, kepatuhan (compliance) adressat putusan dalam menindaklanjuti putusan MK menjadi persoalan karena terdapat indikasi adanya ketidakpatuhan (disobedience) dalam menindaklanjuti putusan MK yang bersifat final dan binding.

Tujuan penelitian yaitu untuk menganalisis implikasi yang akan berdampak pada sistem ketatanegaraan di Indonesia apabila ketidakpatuhan terhadap putusan MK terus berlanjut. Tipe penelitian yaitu yuridis normative dengan pendekatan yang digunakan adalah law in books. Spesifikasi penelitian yaitu deskriptif analitis. Metode pengumpulan data yaitu studi kepustakaan dengan menggunakan data sekunder yang disajikan dalam bentuk uraian sistematis yang kemudian dianalisis secara normatif kualitatif.

Berdasarkan hasil penelitian menunjukan bahwa mayoritas putusan pengujian undang-undang di MK dipatuhi atau ditindaklanjuti secara keseluruhan yaitu sebanyak 36 putusan atau sebesar 43,90%. Namun demikian, terdapat juga beberapa putusan yang tidak dipatuhi seluruhnya atau dengan kata lain hanya dipatuhi sebagian yaitu sebanyak 3 putusan atau sebesar 3,65%. Sedangkan untuk putusan yang tidak dipatuhi yaitu berjumlah 11 putusan putusan atau sebesar 13,41%. Selebihnya terdapat 32 putusan atau sebesar 39,02% belum dapat diidentifikasi tingkat kepatuhannya. Dengan demikian dapat disimpulkan bahwa tingkat kepatuhannya dengan perbandingan 43,90% berbanding 13,41%.

**Kata Kunci:** Constitutional Disobedience, Putusan, Mahkamah Konstitusi, Pengujian Undang-Undang, Adressat, Checks and Balances.

**THE IMPLICATIONS OF CONSTITUTIONAL DISOBEDIENCE TO THE  
DECISION OF JUDICIAL REVIEW IN THE CONSTITUTIONAL  
COURT BY THE ADRESSAT DECISIONS: A PERSPECTIVE OF  
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IN INDONESIA**

**Written By:**

**Asvina Erga Ibtinavilah**

**NIM : E1B021005**

**Abstract**

The authority mandated by the constitution to the Constitutional Court in testing the law on the 1945 Constitution of the Republic of Indonesia in Article 24C paragraph (1) is the mechanism of the checks and balances system. When associated in the context of enforcing the supremacy of the constitution, of course, it does not only stop at the cancellation of a legal norm that is contrary to the constitution, but also how the annulment decision is then complied with and followed up. However, in the recent development of Indonesian constitution, compliance with the decision in following up on the Constitutional Court's decision has become a problem because there are indications of disobedience in following up on the Constitutional Court's decision which is final and binding.

The purpose of the study is to analyze the implications that will have an impact on the constitutional system in Indonesia if non-compliance with the Constitutional Court's decision continues. The type of research is normative juridical with the approach used is law in books. The specification of the research is descriptive analytical. The data collection method is a literature study using secondary data presented in the form of a systematic description which is then analyzed in a qualitative normative manner.

Based on the results of the study, it shows that the majority of legal testing decisions at the Constitutional Court are complied with or followed up on as a whole, namely 36 decisions or 43.90%. However, there are also some decisions that are not fully complied with or in other words only partially implemented, namely as many as 3 decisions or 3.65%. As for the decisions that were not passed, there were 11 verdicts or 13.41%. The remaining 32 decisions or 39.02% have not been identified. Thus, it can be concluded that the level of compliance is 43.90% compared to 13.41%.

**Keywords:** Constitutional Disobedience, Ruling, Constitutional Court, Testing of Laws, Adressat, Checks and Balances.