

Politik hukum lembaga adjudikasi (studi pada komisi informasi vis-a-vis peradilan tata usaha negara) = Legal policy institution of adjudication (study in commision of information vis-a-vis administrative court

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Abstrak

[ABSTRAK

Tesis ini merupakan kajian yang hendak melihat konsep lembaga yang berwenang dalam sebuah proses peradilan. Relevansi antar lembaga sebagaimana dimaksud yaitu Komisi Informasi dan Peradilan Tata Usaha Negara adalah berwenang dalam proses penyelesaian sengketa keterbukaan informasi publik. tujuan daripada keterbukaan informasi publik adalah dalam rangka mengawal kebebasan informasi sebagai falsafah Hak Asasi Manusia dalam generasi ketiga. Dalam penelitian ini menggunakan teori Hukum, teori Politik Hukum Nasional, Teori Pembagian Kekuasaan dan Kekuasaan Keempat, kerangka konsep yang digunakan yaitu peradilan administrasi dalam perspektif politik hukum dan Kebebasan atas informasi sebagai HAM.

Hasil dari penelitian menunjukkan bahwa komisi informasi ditempatkan layaknya peradilan tingkat pertama karena hasil dari putusan dapat dimintakan banding kepada PTUN, dalam proses di PTUN menggunakan hukum acara tersendiri yang menempatkan PTUN sebagai peradilan Banding. atas hasil penelitian maka terdapat suatu paradigma baru dalam sistem peradilan di Indonesia. Gagasan yang diambil dari penelitian adalah dengan mengkonsolidasikan sistem penyelesaian sengketa informasi publik dalam peradilan khusus dibawah PTUN, Konsep demikian digunakan agar dapat mengawal dan memperkuat sistem hukum dan peradilan di Indonesia.

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ABSTRACT

This thesis is a study that about to the concept of authorized institutions the process of judicial. Relevance between institutions referred to the Commission of Information and Administrative Court is competent in the process of dispute public resolution disclosure. Objectives rather than public disclosure is in order to guard the freedom of information as the philosophy of human rights in third generation. in this research, using the theory of Law, Nationalism Legal policy, Separation of Power Theory and Powers Fourth (De Vierde Macht), the conceptual framework used is the administrative court in the political perspective and freedom of information as a human rights.

Results of the research showed that the commission of information like first instance courts as a result of the decision can be appealed to the Administrative Court. process in the Administrative Court uses its own procedural

law which puts the Administrative Court of Appeals. on the results of the research, there is a new paradigm in the justice system in Indonesia. The idea from research by consolidating system public information of dispute resolution in a special court under the Administrative Court. Thus, the concept is used in order to initiate and strengthen the legal and judicial system in Indonesia.;This thesis is a study that about to the concept of authorized institutions

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