

Analisis susunan kedudukan dan peran majelis kehormatan mahkamah konstitusi dalam menjalankan fungsi pengawasan terhadap hakim konstitusi dan relasinya dengan pengisian jabatan hakim konstitusi = analysis of the composition position and role of the constitutional court of honor assemblies in performing supervisory functions and its relation to recruitment system of constitutional judges

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Abstrak

[ABSTRAK

Penelitian ini didasarkan pada pembentukan Majelis Kehormatan Mahkamah Konstitusi yang diatur dalam UU No. 24 Tahun 2003 tentang Mahkamah Konstitusi dan UU No. 8 Tahun 2011 tentang Perubahan atas Undang-Undang No. 24 Tahun 2003 tentang Mahkamah Konstitusi. Metode yang digunakan dalam penelitian ini adalah yuridis normatif yang menggunakan data sekunder. Penelitian ini membahas tiga permasalahan utama. Pertama, konsep pengawasan internal yang dilaksanakan dalam lingkungan kekuasaan kehakiman, dalam hal ini terkait dengan pengisian jabatan dan pengawasan hakim di Mahkamah Konstitusi. Kedua, perubahan susunan, kedudukan, dan peran Majelis Kehormatan dalam menjalankan fungsi pengawasan atas hakim konstitusi. Ketiga, menganalisis perubahan susunan, kedudukan, dan peran Majelis Kehormatan Mahkamah Konstitusi dan relasinya dengan pengisian jabatan hakim konstitusi. Hasil penelitian menunjukkan bahwa pengawasan yang bersifat internal di lingkungan hakim di masa lalu dianggap tidak berjalan dengan efektif sehingga memunculkan gagasan perlunya pengawasan yang dilakukan oleh suatu lembaga khusus. Adanya peran pihak eksekutif dan legislatif maupun lembaga non-yudisial dalam proses perekrutan hakim, tidaklah dianggap sebagai hal yang dapat mempengaruhi kemerdekaan kekuasaan kehakiman. Adanya keinginan untuk mengaktifkan kembali pengawasan eksternal memberikan pengaruh yang cukup besar pada susunan, kedudukan dan peran Majelis Kehormatan termasuk di dalamnya keterlibatan 3 (tiga) lembaga negara yang berperan dalam pengisian jabatan hakim konstitusi di dalam susunan Majelis Kehormatan di Indonesia secara langsung.

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ABSTRACT

This research is based on the establishment of Constitutional Court of honor assembly which is regulated in Act No.24/2003 regarding Constitutional court and its amendments, Act No. 8/2011. The method used in this study is a yuridis normatif by using the secondary data. First, the concept of internal control which is implemented in the judicial power, in this case related to recruitment system and surveillance mechanism in the constitutional court. Second, the amendment in the composition, position and role of the Constitutional Court of Honor Assemblies in performing supervisory functions. And the third is to analyze the changes in the composition, position and role of the Constitutional Court of honor assemblies in performing supervisory functions and its relation to recruitment system of Constitutional Judges. There results showed that the internal surveillance in the past is considered ineffective, and this leads to the idea of the need for supervision by the special agency. On the other hand, the participation of the executive, legislatif and/or non-judicial body in recruitment system of Constitutional Court Judges should not be considered as a threat

to judicial independency. There is an inclination to re-enable the external supervision to constitutional judges which leads to a significant change of the composition, position, and role of the Constitutional Court of Honor Assemblies, including the involvement of the executive, legislative and judiciary in its honor assemblies., This research is based on the establishment of Constitutional Court of honor assembly which is regulated in Act No.24/2003 regarding Constitutional court and its amendments, Act No. 8/2011. The method used in this study is a *yuridis normatif* by using the secondary data. First, the concept of internal control which is implemented in the judicial power, in this case related to recruitment system and surveillance mechanism in the constitutional court. Second, the amendment in the composition, position and role of the Constitutional Court of Honor Assemblies in performing supervisory functions. And the third is to analyze the changes in the composition, position and role of the Constitutional Court of honor assemblies in performing supervisory functions and its relation to recruitment system of Constitutional Judges. There results showed that the internal surveillance in the past is considered ineffective, and this leads to the idea of the need for supervision by the special agency. On the other hand, the participation of the executive, legislatif and/or non-judicial body in recruitment system of Constitutional Court Judges should not be considered as a threat to judicial independency. There is an inclination to re-enable the external supervision to constitutional judges which leads to a significant change of the composition, position, and role of the Constitutional Court of Honor Assemblies, including the involvement of the executive, legislative and judiciary in its honor assemblies.]