

ABSTRACT

The emergence of bribery cases which involved the judges of the Constitutional Court, i.e. the former Chief Judge Akil Mochtar and constitutional judge Patrialis Akbar shows that there is a decline of the integrity of the constitutional judges and raise on the question towards the selection system of the Constitutional judges. Candidates are proposed by the House of Representatives, the Supreme Court and the President. This study intends to evaluate the recruitment system of the constitutional judges in Indonesia. This study is a normative legal research with statute, law and comparative approach that used South Korea and Islamic perspective as comparison. The results of this study shows that the recruitment system of the constitutional judges still has some problems. The first problem is the problem of requirements which related to how to assess the candidates' integrity, morality, statesmanship and devotion to God. The second one is the problems of selection mechanism of constitutional judges. The selection mechanism of constitutional judges proposed by the Supreme Court is not transparent and accountable. This research proposes some recommendations. First, regarding to tracking the integrity of the candidates, it is therefore needed an assessment tool to confirm the integrity and morality of the candidates the selection mechanism of constitutional judges. Second, the selection mechanism shall be transparent and open to the public; third, the selection mechanism by three institutions should be clearly regulated in the Constitutional Court Law and the lastly, the recruitment system has to involve the Judicial Commission in order to create a more transparent and accountable recruitment system.

Keywords: Constitutional Court Judges, the Recruitment System, Requirements, Selection Mechanism