

**CONSTITUTIONAL COURT AND JUDICIAL INDEPENDENCE
PRINCIPLE RELATED TO THE DISPUTE SETTLEMENT
BETWEEN STATE INSTITUTIONS**

SKRIPSI



This skripsi is submitted as one of the requirements to obtain the degree of law scholar at Fakultas Hukum Universitas Muhammadiyah Yogyakarta

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UNIVERSITAS MUHAMMADIYAH YOGYAKARTA

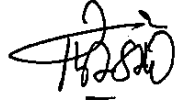
APPROVAL PAGE

**CONSTITUTIONAL COURT AND JUDICIAL INDEPENDENCE
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This skripsi has been approved by the Supervisors on March, 16th, 2011



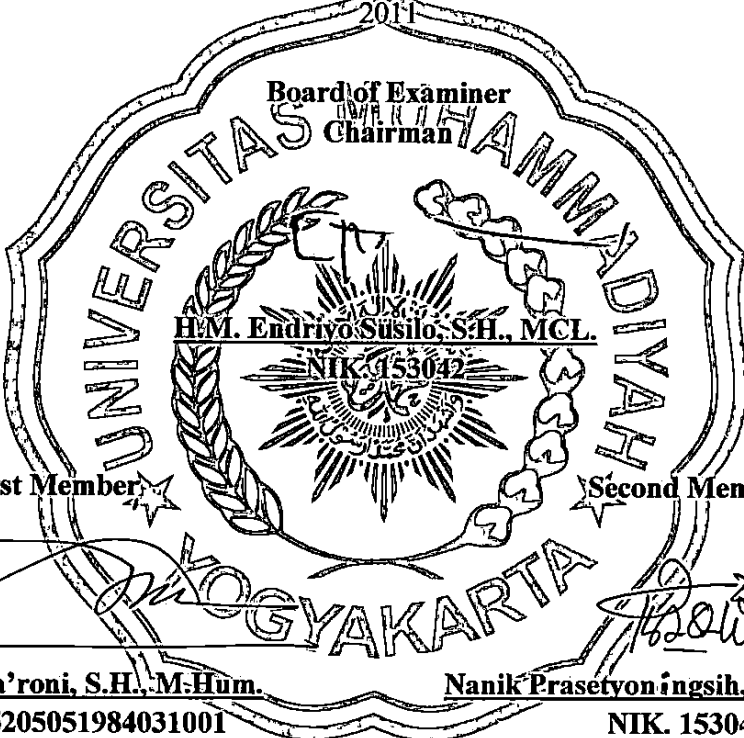
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VALIDATION PAGE

**CONSTITUTIONAL COURT AND JUDICIAL INDEPENDENCE
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BETWEEN STATE INSTITUTIONS**

This skripsi has been defended in front of the board of examiners on March, 23rd,



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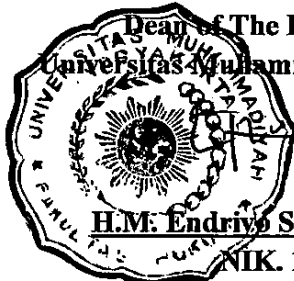
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Validation



**Dean of The Faculty of Law
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MOTTO PAGE

Sholatku, ibadahku, hidupku dan matiku hanyalah untuk Allah SWT, Tuhan
Semesta Alam
(Q.S An Nisa ayat: 162)

Our true wealth is the good we do in this world. None of us has faith unless we
desire for our neighbors what we desire for ourselves
(Prophet Muhammad)

Bertutur-katalah yang baik atau lebih baik diam.
- Prophet Muhammad (salla-Allahu'alayhi was salaam) -

You attract into your life whatever you give your attention, energy and focus to,
wheter wanted or unwanted
(The Law Of Attraction)

Whatever we thing about and thank about we bring about
(John Demartini)

(Inspired) Action is the foundational key to all success
(Pablo Picasso)

Imagination is everything. It is the preview of life's coming attractions
(Albert Einstein)

Perjalanan sejauh 1000mil dimulai dengan 1 langkah
(Pepatah Cina kuno)

Hidup untuk mempersiapkan kematian
(penulis)

Percayalah dengan kekuatan doa
(Penulis)

DEDICATIONS PAGE

This skripsi I dedicate to:

- ❖ My Lord, Allah SWT.
- ❖ My Mother Suhartini, S.Pd. Jas
- ❖ My Father Sudarsono
- ❖ My Elder sister Roli Purwanti
- ❖ My Elder brother Sugito
- ❖ Love One Nina Yudiarina S.H., M. Kn
- ❖ My Almamater UMY

**CONSTITUTIONAL COURT AND JUDICIAL INDEPENDENCE
PRINCIPLE RELATED TO THE DISPUTE
SETTLEMENT BETWEEN STATE
INSTITUTIONS**

Lutu Dwi Prastanta

ABSTRACT

Perubahan struktur ketatanegaraan yang seiring dengan perubahan UUD 1945 memperluas pengertian tentang "Lembaga Negara" yang sebelumnya hanya dikenal Lembaga Tertinggi Negara dan Lembaga Tinggi Negara. Di sisi lain, salah satu kewenangan Mahkamah Konstitusi adalah untuk mengadili sengketa antar lembaga Negara yang dibentuk berdasarkan UUD.

Penelitian ini adalah penelitian hukum normatif atau penelitian yuridis normatif. Penelitian ini bertujuan untuk mengetahui penerapan prinsip Judicial Independence terhadap penyelesaian sengketa kewenangan antar lembaga negara oleh Mahkamah Kostitusi.

Data dari penelitian ini menggunakan data sekunder yang diperoleh dari studi dokumen dengan cara memilih dan menghimpun serta mempelajari aturan hukum dan peraturan serta kebijakan yang berkaitan dengan objek penelitian. Dalam penelitian ini juga menggunakan teknik wawancara. Data yang terkumpul selanjutnya diolah berdasarkan analisis deskriptif kualitatif.

Hasil dari penelitian ini adalah penerapan prinsip Judicial Independence diatur dalam UUD 1945, Undang-undang Mahkamah konstitusi, hukum acara Mahkamah konstitusi yang diatur lebih lanjut dengan Peraturan Mahkamah Konstitusi. Dalam hal sengketa antar lembaga negara bukan subjek lembaga negara yang dapat dijadikan sengketa tetapi kewenangan yang diberikan oleh UUD 1945 terhadap lembaga negara.

PREFACE

الشكر لله على نعمه وبركاته

Ahamdulillah, thanks to God Allah SWT which always give blessing and guidance to the writer with the result that the writer can finish this skripsi with the title: "CONSTITUTIONAL COURT AND JUDICIAL INDEPENDENCE PRINCIPLE RELATED TO THE DISPUTE SETTLEMENT BETWEEN STATE INSTITUTIONS". This skripsi is one of requisite to obtain the degree of law scholar at Faculty of Law Universitas Muhammadiyah Yogyakarta.

The writer also knows that this skripsi cannot finish without helpful effort from others parties. The assistance includes the immaterial thing or material thing. So, the writer want to extend gratitude to all people which always help me in finished my skripsi. The render thanks to:

1. Loving mother and father. I hope with this paper can make mother and father rightfully proud. Thanks for all your pray and hard effort that you have done to encourage me in around the life. With you sincere and firmness to learn me and grow up me until now. Little tears of you are obligation to me to payback with happiness.
2. Mr. M. Endriyo Susila, S.H., MCL as a Dean of Faculty of Law Universitas Muhammadiyah Yogyakarta
3. Mr. Dr. H. Muchammad Ichsan, Lc., MA as a Vice Dean of Faculty of Law Universitas Muhammadiyah Yogyakarta

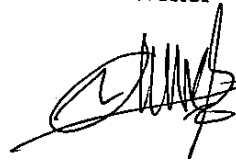
4. Mr. Iwan Satriawan, S.H., MCL as a first supervisor which has helpful effort and gives the data and information to finish my skripsi in the better way.
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13. My elder brother and sister, Roli and Sugito thanks for your support. I hope you are got a little family in sakinah, mawaddah, warrahmah.
Amien.

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18. My friend sharing in the same struggle, Fitri, Saiful, Baitho, Kamal, Asril and all my friend 2007 which cannot mention but I know we have same thing to make our live better than now.
19. My friend in Karang Taruna and futsal team with always have way to get healthy in order to make my mind always fresh and can get the benefit of it and always gave me the best effort to finish my skripsi.
20. To my entire friend which not mention, thanks for your support and motivation. I love u all's.

Yogyakarta, March 16th 2011

Writer



LUTU DWI PRASTANTA

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