

BAB V

CLOSING

A. Conclusion

Based on the previous discussion it can be concluded that the urgency and importance of external supervision of Constitutional Court judges by other state institutions outside of Constitutional Court, as follows:

- *First*, the Constitutional Court is a state institution that has big authority, and its decision is final and binding.
- *Second*, there are some decision of Constitutional Court which are considered as "*Ultra Petita*" that its seem the judges intervention the legislative making power.
- *Third*, there are some decisions of Constitutional Court which is not suitable with the principle of "*nemo judex in causa sua*". It means that the prohibition for Constitutional Court to decide the matter which has relation to Constitutional Court.
- *Fourth*, the behaviour of Constitutional Court Judges often

B. Suggestion

In line with the obstacles problem that has been mentioned in the previous discussion. There are some suggestions for related parties.

1. *First*, the suggestion for the Constitutional Court judges. The Constitutional Court judges must be objective in making decision process. Moreover, in case of the decision is related to the Constitutional Court itself, the judges has to uphold the principle of "*nemo judex in causa sua*" which means that the judges cannot be a judge for they own interest. Therefore, the Constitutional Court judges in case of whether there are parts of the Judicial Commission supervision or not. It is the authority of MPR to decide. The Constitutional Court has to leave to the decision to MPR to decide it.
2. *Second*, the suggestion for MPR which is has an authority to amendment of 1945 Constitution. The MPR has to amend the 1945 Constitution In order to create the strong supervision upon judiciary. The amendments are specifically on the issue of Judicial Power in Article 24, as follows:
 - a. *First*, it should be mentioned clearly the definition of Judges which consist of all judges. It includes the Judges of Supreme Court and under the Supreme Court and also Constitutional Court judges.
 - b. *Second*, organize the structure of judicial institution by

has the relation directly to the Supreme Court and Constitutional Court.

- c. *Third*, it should be mentioned clearly that the Judicial Commission is the institution which has the authority to supervise of judges. It is not only about appointment of judges for Supreme Court and Constitutional Court but also may give the punishment for judges who are proven committed the offence and contradicted with the law regulation and 1045