

**THE URGENCY OF SUPERVISION OF CONSTITUTIONAL COURT JUDGES
IN ESTABLISHING A TRUSTABLE COURT IN INDONESIA**

UNDERGRADUATE THESIS



This undergraduate thesis is submitted as one of the requirements to obtain the degree of Bachelor of Laws at Faculty of Law Universitas Muhammadiyah Yogyakarta

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APPROVAL PAGE

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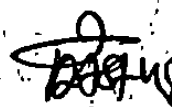
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AUTHENTICITY DECLARATION OF RESEARCH

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the thesis under entitled "THE URGENCY OF SUPERVISION OF CONSTITUTIONAL COURT JUDGES IN ESTABLISHING A TRUSTABLE COURT IN INDONESIA", its content is truly the work of my own and I did not do plagiarism or quotation in ways that are inconsistent with the prevailing ethic in the scientific community. On this statement, I am ready to bear the risk / any sanctions imposed to me in accordance with applicable regulations, if the future found a breach of scientific ethics, I am willing to accept the sanctions.

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Husnul Ma'af

MOTTO PAGE

“God does not impose on any soul a responsibility beyond its ability. Every soul receives whatever it gains and is liable for whatever it does. Lord, do not hold us responsible for our forgetfulness and mistakes. Lord, do not lay upon us the burden that You laid on those who lived before us. Lord, do not lay on us what we cannot afford. Ignore and forgive our sins. Have mercy on us. You are our lord.

Help us against the unbelievers.”

(Al-Baqarah 286)

“Don’t put off till tomorrow what you can do today”

(Pepata Arab)

“A man without dream is like a bird without wing”

(Proverb)

“All stars is difficult (Semua Bermulaan itu sulit)”

DEDICATION PAGE

The undergraduate thesis is dedicated to:

God Almighty, the One and Only Allah SWT

My amazing Bapak (Alm.) and Omak

My lovely sisters

All of my family

IPOlianS and my amazing friends in batch 2010

My amazing friends in IPRY Kom. Kuantan Singingi

My amazing friends in Riau Dormitory

PREFACE

Assalamualaikum Wr. Wb,

Alhamdulillahirabbil alamin, thanks to Allah SWT, The Most Merciful and Most Gracious for the opportunity to finish my undergraduate thesis untitled "the Urgency of Supervision of Constitutional Court Judges in Establishing a Trustable Court in Indonesia, thank you for the blessings, your guidance and protection along the way.

Let me say thanks to Pak Iwan Satriawan, S.H., MCL as my fabulous advisor, thank you for teaching me how to be a tough student, to always be great for what I do and thank you so much for your support and guidance to finish my undergraduate thesis.

Then, I would like to say thanks to my great advisor, Bu Nanik Prasetyoningsih, S.H., M.Hum, for your support and guidance to finish my undergraduate thesis also for the knowledge which has been shared to me. Thank you for all the lectures of Faculty of Law, Pak Yordan Gunawan, S.H., Int. MBA as a Director of International Program for Law and Sharia (IPOLS) always support me, Pak Dr. M. Nur Islami, S.H., M.Hum, Pak Nasrullah, S.H., S.Ag., MCL, Pak Endriyo Susilo, S.H., MCL, Bu Fadia Fitriyanti, S.H., M.Hum., M.Kn., and all of lectures of law faculty. thanks for all the support and motivation throughout these years.

A special gratitude to my amazing parents; Buyung Jarmanasah (Alm.) and Siwarlis. for always being there for me through ups and downs, to be grateful for what I have and to not take anything for granted. Your pray, support, guide

and affection are being my strength all the way through my life. I love you so much. Thank you to my lovely sisters, Hebi Warni, S.Pdi., Beni Warni, S.Pd for the unconditional love and support, and Thank you to my best brothers Metrio, Walkhatimi, Muhammad Rafi for your support.

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To end with, I realize that there are so many mistakes in my undergraduate thesis. That's why the suggestions in order to develop the undergraduate thesis are very welcome. I hope that this undergraduate thesis could give benefits for us.

Wassalamualaikum Wr. Wb.

Yogyakarta, July 07, 2014

Husnul Ma'af

ABSTRACT

Constitutional Court is a state organ which has big authority and without supervision by other institution outside of Constitutional Court. According to Lord Acton stated that Power tends to corrupt, absolute power tends to corrupt absolutely. Akil Mochtar case is one of the examples who abuse of power in the state organs if it is without supervision. Akil was abuse of power as a chairman of Constitutional Court judges in October 2013 ago. Based on 1945 Constitution, Judicial Commission is one institution which is given authority to supervise all of judges including Constitutional Court judges. In fact, in 2006 and 2014 Constitutional Court nullified the supervision authority of Judicial Commission. The untouchable of Constitutional Court from supervision is a problem which has to be overcome soon. Theoretically and practically, supervision is absolutely necessary in establishing a good and trustable institution of judicial power. This research is to understand the importance of supervision of state organs and to convince the urgency of supervision of Constitutional Court judges in establishing a trustable court. The type of this research is a normative legal research. By using a qualitative descriptive method, this research will describe the urgency of supervision of Constitutional Court judges in establishing a trustable court. The result shows the reasons why the urgency of supervision of Constitutional Court judges by external institution in establishing a trustable court in Indonesia.

Keywords: Constitutional Court, Supervision, Trustable Court

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