

Public Partisipation on Recruitmen System of Constitutional Judges

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Abstract

The recruitment of constitutional judges is carried out by three state institutions, House of Representatives, Supreme Court, and President. Each of the three state institutions selects 3 (three) candidates for constitutional judges. In practice, there are differences in the system of recruitment of constitutional judges from the three state institutions, even differences in the system in one state institution with the same election period also occur in each state institution. There is a recruitment that does not meet transparency and participation as stated in Article 19 of Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court which states that the nomination of constitutional judges must be transparent and participatory. The need for public participation in the system of recruitment of constitutional judges as a real benchmark in the integrity and capacity of constitutional judges so that it can foster more trust in the public in the Constitutional Court as the vanguard of the guardian of the constitution. This study uses normative legal research where the procedure for finding the truth. Thus, the importance of public participation in the recruitment of constitutional judges will be obtained.

Keywords

Constitutional court; public participation; recruitmen of constitutional judges



I. Introduction

Indonesia is a country that was formed based on goals. One of the goals in the formation of Indonesia is justice for all Indonesian people, both economically and legally. So that it affects Indonesia which is a State of Law, which is then mentioned in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as the 1945 Constitution of the Republic of Indonesia). The idea of a rule of law is built by developing legal instruments as a functional and just system, developed by arranging the superstructure and infrastructure of political, economic, and social institutions in an orderly and orderly manner. By fostering and building a culture and awareness of rational and impersonal laws in social life. Therefore, the legal system needs to be enforced properly, starting with the constitution as the highest law. To ensure the upholding of the constitution, the basic law which has the highest position, a Constitutional Court has also been established which functions as the guardian as well as the ultimate interpreter of the constitution. Law enforcement and justice in society cannot be separated from the role of law enforcement. In this case, constitutional judges play an important role in law enforcement, especially state administration in Indonesia. Law enforcement and justice in society cannot be separated from the role of law enforcement. In this case, constitutional judges play an important role in law enforcement, especially state administration in Indonesia. Law enforcement and justice in society cannot be separated from the role of law enforcement. In this case, constitutional judges play an important role in law enforcement, especially state administration in Indonesia.

Immanuel Kant said that a judge must have honor, dignity, and upright, noble and awake behavior. So that when the judge carries out his profession, he not only bases himself as a human in working and thinking in terms of examining, adjudicating, and deciding cases that consider juridical technicalities, but also in ethical matters. Judges must have professional abilities, high morals and integrity in order to be able to reflect a sense of justice, provide benefits and legal certainty. Judges as legal professionals are also required to develop themselves based on common morality, which consists of: a) human values, in the sense of respect for the nobility of human dignity; b) values of justice (justice), in terms of the urge to always give people what is due; c) the values of propriety and fairness, in the sense that efforts in realizing justice in society are always colored by the awareness to always pay attention to and take into account the rationality of the situation and the individual sense of justice of the community; d) honesty values, in the sense of a strong urge to always maintain honesty and avoid cheating; e) the need to have high quality of expertise and knowledge in the discipline of law in its development; f) awareness to always respect and maintain the integrity and honor of the profession; g) service values and public interest. Development is a systematic and continuous effort made to realize something that is aspired. Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired. In addition, development is also very dependent on the availability of natural resource wealth. The availability of natural resources is one of the keys to economic growth in an area. (Shah, M. et al. 2020)

The idea regarding the establishment of the Constitutional Court emerged at the second session of the Ad Hoc Committee I of the Working Body of the People's Consultative Assembly of the Republic of Indonesia (PAH I BP MPR), March to April 2000. Initially, the Constitutional Court was planned to be placed within the Supreme Court, with the authority to conduct judicial review on the law, giving decisions on conflicts between laws and other powers granted by law. The Constitutional Court is also given the authority to give decisions on authority disputes between state institutions, between the central government and regional governments and also on regional governments.

The proposal regarding this matter (the Constitutional Court being part of the People's Legislative Assembly) is based on the immense and political authority of the Constitutional Court. Through many considerations, the Constitutional Court became a state institution in the case of an independent judiciary. The authority of the Constitutional Court as stated in Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia, namely:

“1. judging at the first and last level whose decision is final for:

(i) examine the law against the Constitution;

(ii) Decide on disputes over the authority of state institutions whose authority is granted by the Constitution;

(iii) Decide on the dissolution of political parties;

(iv) Deciding on disputes about the results of the general election.”

The Constitutional Court also has the authority to examine, hear, and decide on the opinion of the House of Representatives, that the President and/or Vice President is suspected of violating the law and/or no longer meets the requirements as President and/or Vice President as stated in Article 24C paragraph (2) the 1945 Constitution of the Republic of Indonesia. Whereas Indonesia at the time after the Amendment to the 1945 Constitution of the Republic of Indonesia adhered to the paradigm of separation of powers which was balanced by a check and balance mechanism). Because of this paradigm shift, there is no

longer a supreme state institution over other state institutions, the position of all state institutions is equal. In this case, The Constitutional Court as one of the executor of judicial power is an independent power to administer the judiciary to enforce law and justice as stated in Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

The recruitment of Constitutional Justices as mentioned in Article 19 of Law Number 24 of 2003 concerning the Constitutional Court states that the nomination of constitutional judges is carried out in a transparent and participatory manner. However, in Article 20 paragraph (2) of Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court (hereinafter abbreviated as the Constitutional Court Law) it is stated that the election of constitutional judges is carried out in a transparent, accountable, objective, and open manner. . Meanwhile, regarding the selection procedure, the selection and submission of constitutional judges is regulated by each authorized institution, namely the DPR, the President, and the Supreme Court, as referred to in Article 18 paragraph (1) of the Constitutional Court Law. In practice there are different mechanisms by the three institutions (the Supreme Court, the President, and the House of Representatives).

Although the law states that the selection of judges is carried out in an objective, accountable, transparent and open manner, but in this phrase it can still be interpreted freely by each institution in terms of carrying out the selection process for constitutional judges, this ultimately gives rise to various variations in the implementation of the selection of constitutional judges by The three authorized state institutions, even within one proposing institution, can give birth to different mechanisms. Sometimes the selection is carried out internally and absolutely by the institution, sometimes it is carried out by a selection committee team, which has various models, some uses a selection committee which is an internal part of the proposing agency, public participation, as stated in Article 19 of Law Number 24 of 2003 concerning the Constitutional Court is an important and fundamental thing to achieve the recruitment of credible constitutional judges

II. Research Method

The type of legal research used is normative legal research. Normative legal research is a scientific procedure to find the truth based on the logic of legal scholarship from the normative side. Scientific logic in normative legal research is built based on scientific disciplines and the workings of normative legal science, namely legal science whose object is law itself.

III. Result and Discussion

3.1 Recruitment of Constitutional Court Judges

It is stated in Article 24C paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated to the 1945 Constitution of the Republic of Indonesia) that the Constitutional Court has nine members of constitutional judges appointed by the President, who are proposed by three people each by the Supreme Court. , three people by the House of Representatives, and three people by the President. Each filling for constitutional judges comes from submissions consisting of each branch of power, namely the Supreme Court, the House of Representatives, and the President. In Law Number 24 of 2003 concerning the Constitutional Court, it is explained that each constitutional judge consists of 3 (three) persons from the Supreme Court, 3 (three) from the House of

Representatives, and 3 (three) from the President, to be appointed by the President. Presidential decree. Article 19 of the Constitutional Court Law emphasizes that the nomination of constitutional judges is carried out in a transparent and participatory manner.

These provisions create a space for free interpretation for each state institution that is authorized to conduct the selection of constitutional judges. This also creates legal uncertainty regarding the standardization of the selection of constitutional judges. Fuller then provides an overview of legal certainty as follows:

- a. A legal system consisting of regulations, not based on deviant decisions for certain matters;
- b. The regulation is announced to the public;
- c. Not retroactive, because it will damage the integrity of the system;
- d. Made in a formula that is understood by the public;
- e. There should be no conflicting rules;
- f. Must not demand an action that exceeds what can be done;
- g. Should not be changed frequently;
- h. There must be a match between the rules and day-to-day implementation.

This opinion emphasizes that the formulation of norms is understood as a formulation that must be understood by the public and has clear goals and objectives which in this case is not reflected in Article 20 of the Constitutional Court Law, because compared to Article 19 of the Constitutional Court Law, the principles of transparency and participatory participation have been defined and the minimum substance is as follows.

The weakness of the recruitment system for constitutional judges is that the disparity of different election mechanisms creates variations in the integrity of constitutional judges. The tendency of the selection of constitutional judges who are selected based on the capacity and capability according to the tastes of each state institution will actually show the quality of judges that are irrelevant. This shows that the Constitutional Court Law has provided free space for each state institution to create a system of recruiting constitutional judges based on their method, so that a contrasting recruitment pattern will be seen. The element of subjectivity to the President, the voting mechanism in the DPR and the closed system carried out by the Supreme Court has characterized the recruitment of constitutional judges so far. The product of the system experienced several complex problems in the middle of the periodization of the leadership of the constitutional judges.

The existence of a system of recruitment of constitutional judges based on public participation needs to be considered. Public participation is one thing that can be used as a reference related to public trust in law enforcement, especially constitutional judges. Participation should not only be done at the time of nomination of constitutional judges but also in the system of recruitment of constitutional judges. Considering that Indonesia is a democratic country that prioritizes the welfare of the people as stated in the 1945 Constitution of the Republic of Indonesia.

3.2 Public Participation in the Constitutional Justice Recruitment System by the President, DPR, and the Supreme Court

a. Public Participation in the Constitutional Court Judge Recruitment System

The recruitment of constitutional judges is an important matter and has a major effect on the administration of the Indonesian state administration system. Constitutional judges are pillars of upholding constitutional justice in the Constitutional Court, also related to the interests of the community as a whole, both guarding the constitution, to protecting the constitutional rights of citizens. Therefore, public participation in the recruitment process

must be an absolute requirement in the implementation of the recruitment process for constitutional judges. Because with the opening of the entire recruitment process for constitutional judges carried out by each state institution, there is room for the public not only to supervise the process, but also to participate in providing input in the implementation of the recruitment process for constitutional judges.

b. Recruitment of Constitutional Justices by the President

The recruitment of constitutional judges carried out by the President for the first to sixth periods is carried out in a fluctuating manner. The selection carried out in the first period was a closed selection mechanism, and did not show the participation and transparency as mentioned in Article 19 of the Constitutional Court Law. This then made the selection mechanism far from the control of the public even though at that time the Constitutional Court had just been formed, but it could not be justified using a closed system. The existence of the vice president formed in the recruitment of constitutional judges by the President was deemed inappropriate because not all of the qualifications and competencies of the presidential candidates were deemed to understand and master the constitution and constitutional law. so that there is the potential for a conflict of interest because there could be nuances of the president's political interests that characterize the selection process for constitutional judges carried out by the wantimpres which is basically part of the presidential institution. The conflict of interest can be seen from the selection process for constitutional judge Hamdan Zulfa, who seemed to be appointed directly even though he had the status of deputy chairman of the Crescent Star Party at that time.

In the recruitment of constitutional judges by the President, there is also no reflection of competition in the selection of judges Maria Farida Indrati and Patrialis Akbar, where the president directly extended Maria Farida's position and appointed Patrialis Akbar directly on the basis of a proposal from the Ministry of Law and Human Rights, even though if it is done selection through open registration will lead to a more objective and accountable competency and assessment process. The selection process for constitutional judges prior to the fourth period, which determines the candidates for the elected constitutional judges, is not based on value rankings. Whereas the ranking of candidates for constitutional judges reflects the principles of being objective and accountable and open in accordance with Article 20 of the Constitutional Court Law.

The recruitment of constitutional judges carried out by the President has a fluctuating form that tends to be closed. The existence of several recruitments that do not reflect openness, objectivity, accountability, and transparency makes one of the less than optimal forms of recruitment carried out by the President. Participation carried out by state institutions, in this case the President, is also felt to be lacking, due to several periods of selecting constitutional judges which tend not to be participatory in nature and respect openness and transparency to the public. In fact, if we look back, it is important to have public participation in the recruitment system of constitutional judges, which is stated in Article 19 of the Constitutional Court Law which states that the nomination of constitutional judges is carried out in a transparent and participatory manner. So that it can add space for the community to take part in the election of constitutional judges. However, if it is seen from the recruitment of constitutional judges that has been carried out by the President, the principle of participation has not been implemented optimally by the relevant state institutions.

c. Recruitment of Constitutional Justices by DPR

In several periods of recruitment of constitutional judges in the DPR, there was the application of the principles of participation, transparency, objective, and accountability in several periods of selecting constitutional judges. However, this has not been fully implemented by the DPR. In several periods of selection of constitutional judges, such as the first, second, and third periods, the selection mechanism was carried out entirely by the DPR (in the first period by Commission II, and the second and third periods by Commission III) forming a small team, but the team consisted of members The DPR itself, so that it will have a strong political nuance and have a tendency to insert interests in the process of recruiting constitutional judges. This can actually be anticipated if the recruitment is carried out by a professional and credible expert team. Meanwhile, in the fourth period,

In the fifth period, in an effort to select the recruitment of constitutional judges, which produced Constitutional Justice Arif Hidayat, an open recruitment mechanism for constitutional judges was used. With the announcement of the selection of constitutional judges, and the implementation of a fit and proper test mechanism by the DPR, the opening of public participation in the form of input on the track records of candidates for constitutional judges. Participation and transparency in the election period for constitutional judges is considered and pursued by the DPR.

In the sixth period of the election of constitutional judges which produced Constitutional Justices Wahidudin Adams and Aswanto, the DPR formed a team of experts. Conduct a fit and proper test and announce the registration and selection of Constitutional Justices. Public participation during this period was in the form of input on the track records of candidates for constitutional judges. If you look at the process and mechanism for the selection of constitutional judges in the DPR from the first to the sixth period, the determination of candidates for constitutional judges is determined by a voting mechanism.

There is room for factions in the DPR to propose and register candidates for constitutional judges, which in fact creates a conflict of interest against the elected constitutional judges because of the political burden which in the process of formulating their decisions may be interfered with by the faction that proposes them, and this condition will making the selection process of constitutional judges no longer balanced. And the absence of standard standards regarding the selection of judges in the DPR which in the end made the mechanism for selecting constitutional judges from the first to the sixth period different.

The process of recruiting constitutional judges at the DPR applies the principles of transparency and participation but uses final voting in determining the elected constitutional judges. This will make elected constitutional judges a condition for politics. Public participation is carried out in the mechanism for recruiting constitutional judges in the form of people who can provide input on the track records of candidates for constitutional judges. Article 19 of the Constitutional Court Law states that the nomination of constitutional judges is carried out in a transparent and participatory manner. So when viewed from this, public participation in the recruitment system of constitutional judges carried out by the DPR is only limited to providing opinions regarding candidates for constitutional judges. This shows the lack of public role in the recruitment of constitutional judges when viewed from Article 19 of the Constitutional Court Law.

d. Recruitment of Constitutional Justices by the Supreme Court

The selection of the recruitment of constitutional judges carried out by the Supreme Court from the first to the seventh period was carried out in various ways. In the first to fifth periods, the selection mechanism is carried out internally and privately, while in the sixth period the selection of constitutional judges involves the Judicial Commission in tracing the track records of candidates, while in the seventh period it is carried out through an extension of the term of office without any re-selection. And in the seventh period the recruitment of constitutional judges was carried out through an extension mechanism without any re-selection.

The selection mechanism for constitutional judges at the Supreme Court in the first to fifth period does not reflect at all the principles of public participation, transparency, objective and accountability, because the selection mechanism for constitutional judges has never been published or announced to the public, public participation is in the form of input on the track records of prospective judges. The Constitution is also not enforced by the Supreme Court. Even though it has been explained in the Constitutional Court Law regarding the mechanism for selecting constitutional judges which is carried out in a participatory, transparent, objective and accountable manner. Thus, public participation is not implemented in the system of recruitment of constitutional judges conducted by the Supreme Court.

In the sixth period of selection of constitutional judges by the Supreme Court, there was interference from the Judicial Commission in terms of tracing the track records of candidates for constitutional judges, this has become the correct consideration. However, during the plenary session, the recommendations of judges from the Judicial Commission were not considered objectively, because even though the Judicial Commission at that time recommended Ahmad Fadlil Sumadi and Manahan Sitompul as candidates for constitutional judges to the Supreme Court, the Supreme Court instead proposed Suhartoyo to replace Ahmad Fadlil. Sumadi. In fact, the Judicial Commission has noted that at that time Suhartoyo had the status of a judge which was being investigated by the Judicial Commission for alleged violations of the judge's code of ethics.

The fifth period recruitment conducted by the Supreme Court uses the selection committee mechanism. There is an announcement Number: 02/Pansel/H-MK/IX/2014 concerning the Registration of Candidates for Constitutional Court Justices which is a requirement to become a constitutional judge as well as several other regulations. The regulation then became the basis for the implementation of an open selection at the Supreme Court in the fifth period. Several mechanisms were implemented by the Supreme Court and after conducting the administrative selection mechanism, 9 (nine) candidates for constitutional judges passed and were entitled to take part in the profile assessment selection and interviews. The nine candidates for constitutional judges who passed the administrative stage were announced through Announcement Number: 05/Pansel/H-MK/XI/2014. With this announcement, the Supreme Court then stated that the selection committee asked the public to provide information/input for applicants who had passed the administrative selection. The Supreme Court requests that people who provide input must include their complete identities and send them to the Secretariat of the Selection Committee for Candidates for Constitutional Court Justices from elements of the Supreme Court and received no later than November 24, 2014.

In the sixth period of recruitment of constitutional judges, it was carried out directly and again elected Dr. Anwar Usman, SH., MH. who was re-appointed as a constitutional judge. he himself is the Chief Justice of the Constitutional Court replacing Prof. Arief Hidayat who was caught in a case of ethical violations in the Constitutional Court. In some

cases, re-election as carried out at this time had a different impact. From several sides, re-election without going through several mechanisms is a common thing and can be tolerated, because he has previously gone through the appropriate mechanism. However, by re-electing and not opening recruitment to other parties, the selection is not maximized. Similarly, in the recruitment carried out during that period.

e. Recruitment of Constitutional Judges That Has Been Implemented

Recruitment carried out by each state institution is not bound by rigid regulations. This results in differences in the mechanism between one institution and another. This is then regulated in the Constitutional Court Law which states that the procedures for selecting, selecting, and submitting constitutional judges are regulated by each state institution. Thus, each state institution has the full right to elect constitutional judges based on the desired procedure. However, there are some limitations regarding this. Such as the principle of transparency and participation in the recruitment of constitutional judges, the requirements to become a constitutional judge, and several prohibitions for a candidate for a constitutional judge. These things then become the limitations of state institutions in choosing constitutional judges.

3.3 Society participation

Participation or "participation" "participation", or "participation" is a condition in which all members in a community are involved in determining the actions or policies that will be taken related to their interests. Henk Addink assesses participation is the active involvement of group members in a process in the group. Thus, participation is a condition that must exist in a country that adheres to the understanding of people's sovereignty.

Community participation is defined as the active participation of the community, both individually and in groups, in determining public policies or laws and regulations. As a concept that has developed in the modern political system, participation is a space for the community to negotiate in the policy formulation process, especially those that have a direct impact on social life. Robert B. Gibson states that:

The demand for public participation was once the exclusive preserve of radically challenging centralized and arbitrary power. Many radical critics continue to believe that the resolution of present problems requires the active participation of all individuals in making the decisions which affect their life.

Mas Achmad Santosa also added that participatory public decision-making is useful so that these decisions truly reflect the needs, interests and desires of the people. Regarding public participation, Samuel P. Huntington and Joan M. Nelson define it as an activity by private citizen designed to influence government decision-making. It was also mentioned by Lothar Gundling who stated that community participation has an important meaning as an effort to democratize decision-making.

It is also mentioned that Dahl's opinion states that democracy can only be built with participation, where all citizens have the same opportunity to participate and play a role and discuss problems as well as make decisions. Therefore, how can a country claim to be democratic if the decision-making process related to the interests of the community is carried out without involving the community. In the discipline of political science, such participation is known as political participation, namely the participation of ordinary citizens in determining all decisions concerning their lives. Through participation in making decisions, the community is involved in carrying out state power.

Participation can be defined as participation and participation in an activity, from planning to evaluation. Participation can be defined in general as the activity of a person or

group of people to participate actively in political life. In public participation, policy making is binding on all citizens between the government and the people, because in a democratic country the participation of citizens in the policy process is common. Without participation and the only thing that can be relied on is mobilization, surely the name of democracy will not be realized in the state government system at any time.

3.4. Community Participation Indicators

Participation requires that everyone has the right to be involved in decision making, in every activity of government administration. In this case, the public is given the opportunity, either directly or indirectly, to provide input and feedback/complaints on the integrity and quality of candidates for constitutional judges in an adequate time so that the appointed constitutional judges are the result of a recruitment process that has received input from the public.

3.5. Community Participation in the Recruitment of Constitutional Justices

There are several definitions of assessment according to experts. According to Robert M. Smith, assessment is "a comprehensive assessment and involves team members to find out the weaknesses and strengths in which the results of their decisions can be used for educational services that children need as a basis for developing a ...". A comprehensive assessment involving team members can also be carried out in seeking and finding the expected human resources. The search for expected human resources also depends on the needs of an institution or agency that is formed.

One of the characteristics of the assessment is to collect the best indications of the actual or professional competence of people, to perform at a certain position or level of office. The following are some of the main characteristics of the assessment, which include:

1. Using a combination of several types of assessment techniques and methods;
2. Conducted based on a certain reference that is multi-criteria;
3. Involvement as well as a number of assessors in an assessment process;
4. Participation in a number of assessments at once in an assessment process;
5. The information and data obtained are integrated in such a way that a conclusion is drawn up in the form of recommendations as a result of the assessment program.

To think about the role of the public in the formation of law in order to contribute to the exit business, namely: First, it is realized that the legal capacity is limited. Entrusting everything to the law is unrealistic and wrong. We leave our fate to an institution that does not have the absolute capacity to accomplish its own task. Empirically proven, to do his job he always needs help, support, additional public power. Second, society still retains the autonomous power to protect and organize itself. This power is temporarily submerged under the domination of modern law, which in fact is a state of law.

In the Constitutional Court Law it is explained that the nomination of constitutional judges is carried out in a transparent and participatory manner. Based on this, candidates for constitutional judges are published or announced in the mass media, both printed and electronic so that the wider community has the opportunity or opportunity to participate in providing input on candidates for constitutional judges. One of the problems that have occurred in the process of recruiting constitutional judges so far is the recruitment of constitutional judges, which depends on the political will of the DPR, the President and the Supreme Court. The selection process for constitutional judges is of course easily accused of political conditions when the role of the President and the DPR who come from political parties is too dominant.

The complexity in the selection process for constitutional judges does not revolve around temporary politics, but also relates to other obstacles. Based on current practice, there are a number of difficulties in finding candidates for constitutional judges who meet the ideal criteria. The selection process for constitutional judges who lack the resources of ideal constitutional judges to be elected as constitutional judges is even more complicated when politics dominates the selection process. The selection mechanism for constitutional judges carried out in each institution is considered to still leave shortcomings, especially the lack of transparency in the selection process for constitutional judges at the Supreme Court and the President.

Community involvement in the process of filling in the positions of constitutional judges, apart from being able to find out more in-depth track records, also elected constitutional judges will get support from the community. Community involvement can be an alternative to assist the selection team, especially regarding information on the track records of candidates for constitutional judges. Community involvement will also have an impact on community support. Therefore, to define the format and timing of community involvement is very important. Public examination of candidates for constitutional judges can be an alternative format or model for community involvement. Openly the feasibility of each candidate will be studied and tested by the public. Thus, there is an opportunity for the selection team to obtain all information, especially past information which is difficult for the selection team to reach. It is the duty of the selection team to study the past of each candidate.

IV. Conclusion

Community participation is a form of community involvement in all government actions or decisions. The need for public participation in the recruitment of constitutional judges in order to provide opportunities for the public to have opinions and express opinions regarding the candidates for the relevant constitutional judges. Community involvement is important as has been stated in Article 19 of the Constitutional Court Law where the nomination of constitutional judges must be based on transparency and community participation. So that with the fulfillment of this clause, the community can play an active role in the selection of constitutional judges which will then have a positive impact, one of which is increasing public confidence in the Constitutional Court as a guardian of the constitution.

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