ABSTRACT

LEGAL CONSIDERATIONS CONSTITUTIONAL COURT OF THE CONSTITUTIONAL COURT DECISION NO. 34/PUU-XI/2013

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The Constitutional Court has the authority to review laws against the Constitution of 1945. One of the resulting decision by the Constitutional Court is decision Number 34/PUU-XI/2013. Legal considerations used by the Constitutional Court in the verdict is justice for the convict. This thesis aims to determine the suitability of the legal considerations of the judges in the Constitutional Court Number 34/PUU-XI/2013, with the purpose of the law. This type of research is normative (doctrinal research) by using a law (statute approach), the approach of the case (case approach) and the conceptual approach (conceptual approach). Data collection is done by means of literature study. The results showed that the legal reasoning of judges in the Constitutional Court Number 34/PUU-XI/2013 put forward the principles of justice, namely justice for the convict to disregard the principle of legal certainty. Thus, the decision creates legal uncertainty in the world of justice due to the dualism of legal rules regarding reconsideration. So it will confuse the public about the rule of law which is used in the proposal review process.

Key word: Legal Considerations, Judge, and the Constitutional Court.