ABSTRACT

THE AUTHORITY OF THE CONSTITUTIONAL COURT IN EXAMINING ON RATIFIED LAW OF INTERNATIONAL TREATY

By

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This study aims to assess the Constitutional Court's authority to conduct examination of the statute as the results of an international treaty ratification. The approach was done through the normative juridical approach, by examining the Constitutional Court judgement, and all laws and regulations related to the principal matter that was examined. The data analyzed was the secondary data in the form of legal materials, especially primary legal materials and secondary legal materials. Analysis of the data used was qualitative analysis. The result of the research showed that, the Constitutional Court as an institution that serves to protect the sovereignty of the state constitution in this regard the Act of 1945 has the authority to conduct judicial review of the results of the ratification of international treaties towards the Act of 1945. According to the consideration of constitutional supremacy of the Act of 1945, Principles of relationships with national and international law, as well as the position of the Constitutional Court as the Guardian of Constitution which created the space for the Constitutional Court to prelude legal sovereignty of constitution in order to create substantive justice that protect all the people of Indonesia.

Keywords: Constitutional Court, The Constitution of 1945, The International Treaty