

## **ABSTRAK**

### **PEMBERHENTIAN HAKIM KONSTITUSI OLEH DEWAN PERWAKILAN RAKYAT DALAM SISTEM KETATANEGARAAN INDONESIA**

**Oleh**

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Pemberhentian Hakim Konstitusi diatur dalam Pasal 23 Undang-Undang Nomor 7 Tahun 2020 tentang Mahkamah Konstitusi, sepatutnya pemberhentian Hakim Konstitusi harus berdasarkan Undang-Undang demi tegaknya supremasi hukum. Penelitian ini menganalisis pengaturan mekanisme pemberhentian Hakim Konstitusi di Indonesia dan persoalan konstusionalitas pemberhentian Hakim diluar mekanisme UU MK, serta implikasi yang berpotensi terjadi jika pemberhentian Hakim Konstitusi diluar mekanisme peraturan perundang-undangan dianggap sebagai peristiwa kenegaraan biasa. Menggunakan metode normatif, penelitian ini menunjukkan bahwa pemberhentian Hakim Konstitusi hanya boleh terjadi melalui prosedur UU MK, yakni melalui pemberhentian dengan hormat dan tidak hormat sebagaimana diatur dalam Pasal 23 UU MK. Baik pemberhentian dengan hormat maupun tidak hormat harus melalui mekanisme internal di MK, yang selanjutnya disampaikan oleh Ketua MK kepada Presiden untuk diterbitkan Keputusan Presiden. Penelitian ini menunjukan bahwa pemberhentian Hakim Konstitusi oleh Dewan Perwakilan Rakyat jelas-jelas melangkahi UU MK dan berpotensi kedepannya berpengaruh dan memberikan implikasi buruk terhadap Mahkamah Konstitusi. Implikasi yang dapat saja terjadi berupa preseden buruk dalam bernegara, menurunnya kepercayaan publik, pelanggaran prinsip negara hukum dan kepastian hukum, serta menurunnya independensi MK sebagai lembaga peradilan yang merdeka sebagaimana amanat Undang Undang Dasar 1945.

**Kata Kunci : Hakim Konstitusi, Implikasi, Independensi, Konstusionalitas, Pemberhentian.**

## ABSTRACT

### *THE DISMISSAL OF CONSTITUTIONAL JUDGES BY THE HOUSE OF REPRESENTATIVES IN THE INDONESIAN CONSTITUTIONAL SYSTEM*

By

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*The dismissal of Constitutional Judges is regulated in Article 23 of Law Number 7 of 2020 concerning the Constitutional Court, so the dismissal of Constitutional Judges should be based on the Law for the sake of upholding the rule of law. This study analyzes the regulation of the dismissal mechanism of Constitutional Judges in Indonesia and the issue of the constitutionality of the dismissal of Judges outside the mechanism of the Constitutional Court Law, as well as the potential implications if the dismissal of Constitutional Judges outside the mechanism of legislation is considered an ordinary state event. Using a normative method, this study shows that the dismissal of Constitutional Court judges can only occur through the procedures of the Constitutional Court Law, namely through honorable and dishonorable dismissal as stipulated in Article 23 of the Constitutional Court Law. Both honorable and dishonorable dismissal must go through an internal mechanism at the Constitutional Court, which is then submitted by the Chief Justice of the Constitutional Court to the President for issuance of a Presidential Decree. This study also shows that the dismissal of Constitutional Judges by the House of Representatives clearly oversteps the Constitutional Court Law and has the potential in the future to affect and have bad implications for the Constitutional Court. The implications that can occur are in the form of bad precedents in the state, decreased public trust, violation of the principles of the rule of law and legal certainty, and decreased independence of the Constitutional Court as an independent judicial institution as mandated by the 1945 Constitution.*

*Keywords: Constitutional Judge, Constitutionality, Dismissal, Implication, Independence.*