

ABSTRACT

One of the powers of the Judicial Commission (KY) is to maintain and uphold the honor, dignity, and behavior of judges. KY's authority in supervising judges has been judicially reviewed several times by a group of people because it is considered to interfere with the independence of the Constitutional Court. There have been three Constitutional Court Decisions (PMK), namely PMK Number 005/PUU-IV/2006, PMK Number 1-2/PUU-XII/2014 and finally PMK Number 56/PUU-XX/2022. From the three PMKs, it can be seen that the Constitutional Court does not want the involvement of KY both in supervising MK judges internally and externally. Therefore, this research discusses the involvement of KY in supervising constitutional judges in order to realize and strengthen the independence of the Constitutional Court.

This type of research is normative juridical research that views the law as written legislation (law in books). The approach used is a case approach by examining a decision by referring to the ratio decidendi by paying attention to the material facts in the decision.

The theoretical basis used is the theory of judicial power consisting of the theory of division of powers, the theory of checks and balances system, the theory of state institutions, the theory of independence and the theory of supervision. The Islamic theories used are al-mawardi theory and maslahah mursalah theory.

From the research, it was found that the involvement of the Constitutional Court in supervising constitutional judges disrupted the independence of the Constitutional Court based on Constitutional Court Decision Number 56/PUU-XX/2022 due to two main things, namely that KY can be a party to a dispute in the Constitutional Court and the original intent of the establishment of KY was not intended to supervise constitutional judges because Constitutional Court judges are different from Supreme Court judges. The involvement of KY as an external supervisor can realize and strengthen the independence of the Constitutional Court because KY cannot be separated from the judiciary.

The legislature should immediately revise the laws and regulations relating to the relationship between the Constitutional Court and KY and clarify the system of supervision both internal and external to constitutional judges. In providing legal considerations, the Constitutional Court must base its legal arguments not only on general constitutional theory but must also consider the context or circumstances and constitutional practices in Indonesia and other aspects in order to realize the goals and ideals of the Indonesian state.

Keywords: Independency, Judicial Commission, Constitutional Court