

E-MAGAZINE **KONSTITUSI**

**DIGITAL CULTURE
ENHANCES
CONSTITUTIONAL
CULTURE**



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CONSTITUTIONAL HISTORY CENTER

5th and 6th Floor, Constitutional Court Building
Jl. Medan Merdeka Barat No. 6 Jakarta Pusat

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CONTRIBUTOR:

I D.G.Palguna
Luthfi Widagdo Eddyono
Wilma Silalahi
Ardiansyah Salim
Miftah Fariad Hadinatha

INTERNATIONAL AFFAIRS

Sri Handayani
Immanuel Hutasoit
Sherly Octaviana
Wafda Afina

PHOTOGRAPHER:

Ifa Dwi Septian

VISUAL DESIGN:

Rudi ■ Nur Budiman ■ Teguh

COVER DESIGN:

Herman To

EDITOR'S ADDRESS:

Gedung Mahkamah Konstitusi
Republik Indonesia
Jl. Medan Merdeka Barat No. 6
Jakarta Pusat

Telp. (021) 2352 9000 ■ Fax. 3520 177

Email: majalahkonstitusi@mkri.id

Website: www.mkri.id

The gleaming of August brings colors to the news of the Constitution Magazine. We are only celebrating the 76th Independence Day of the Republic of Indonesia, but also the 18th anniversary of the Constitutional Court of the Republic of Indonesia (MKRI). The MKRI held a series of activities, such as the Constitutional Court Decision Infographic Competition, the Constitutional Court's Exemplary Employee Award, and many more.

Meanwhile, the Headline for the 18th Anniversary of the Republic of Indonesia has the theme "Digital Culture to Strengthen Constitutional Culture". This big theme relates to the role of information technology in strengthening the constitutional culture in society, especially during the pandemic.

Matters related to the Main Report theme include the development of Information and Communication Technology (ICT) in general, the birth of the Constitutional Court as a modern judiciary, digital-based justice, the development of the Constitutional Court's social media, the covid pandemic and its impact on the Constitutional Court, digital culture during a pandemic, constitutional culture.

In addition, there are remarks on the 18th MKRI Anniversary from a number of figures, for example the previous Chief Justices of the Constitutional Court such as Jimly Asshidiqie, Mahfud MD, Hamdan Zoelva and other figures. Besides, as usual, we present fixed and distinctive rubrics. There are Editorials, Vox Pop, Windows, Opinions, Case Briefs, Decisions, Actions, Action Flashes, Constitutional Research, Traces of the Constitution, Reviews and others.

This is the introduction from the editor. Finally, we wish you a happy reading of various information on Konstitusi Magazine!



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MAIN REPORT

WHEN TECHNOLOGY AND JUSTICE MERGE

Information and communication technology or ICT (Information and Communication Technology/ICT) has currently become an inseparable part of our lives, both in our professional lives and in our daily personal lives. The same is true for the judiciary, which cannot withstand the onslaught of ICT developments. The judiciary cannot resist the invasion of ICT developments, but must actively participate in absorbing and adapting these developments and applying them in carrying out their functions and authorities..

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ACTION



CONSTITUTIONAL JUDGE TALKING ABOUT HUMAN RIGHTS TO DEMOCRACY

DOES DIGITAL TECHNOLOGY ENDANGER CONSTITUTIONAL DEMOCRACY?

Human civilization has undergone a tremendous leap. In the last 10 years, information and communication technology is advancing at lightning speed. For the proof, today's human life is flooded with sophisticated technological devices. Even though it is considered that today's situation has been predicted to be much the opposite now. Bill Gates in 1999 was talking about remote cameras integrated with devices. Gates said that in the future people will be able to monitor the situation in their respective homes through tablet screens. A decade before Facebook was invented, futurist Joseph F. Coates envisioned the world of social media in a 1994 article called "The Highly Probable Future: 83 Assumptions about the Year 2025". Due to advances in computer technology, there will be countless "virtual communities" based on electronic connections. Coates didn't have to wait until 2025, now his predictions have come true.

Currently, the terms Big Data, Internet of Things, Artificial Intelligence (AI), and others are very familiarly discussed. There is a kind of competition to assemble and produce smart devices that help people to run their lives more effectively every day. Yes, the progress of information and communication technology is factually a necessity that can no longer be dammed. Technology is directed to be able to transform people's lives in a better, easier, faster and more productive direction. This is of course if the maxim "technology to humanize humans" applies. Do not let technology actually colonize humans and humanity.

Digital technology is very likely to create exciting opportunities to accelerate and strengthen democracy. First, the government can accelerate pro-people decision or policy-making by using data and AI. Second, strong AI can increase the transparency and accountability of democratic governments. Third, it needs to improve the accuracy of political decision-making, including building a secure digital voting system.

Modern digital technology also poses a serious threat to human life. Even more surprising, it includes the undermining of constitutional democracy. How can technology destroy democracy? It must be admitted, democracy throughout its history, everywhere, has always been surrounded by attacks and threats, starting from oligarchs, apathetic citizens, unfair elections, authoritarian rulers (techno-authoritarian), and so on. In this regard, digital technology is an entirely new threat.

Jamie Bartlett wrote excellently in a book entitled "*Death of Democracy and the Expansion of Technology: How is the Internet Destroying Democracy?*" Bartlett wrote the facts in a

number of United States presidential elections that held this decade. A matter of data analysts who worked for Obama in the 2008 presidential election to estimate how likely voters to vote or support his campaign. Regarding Hillary Clinton, who adopted a sophisticated system to target online voters. About the Alamo Project with its digital techno-data experts and data analytics company bombarding millions of US voters online with pro-Donald Trump content during the presidential contest against Hillary. This project shows how powerful data analysis works in the presidential election campaign. For example, how to relate the taste for ownership of cars produced by the United States has strong indications and potential for Trump voters. If any Ford owner

is detected not voting for Trump, then that is the main target of the campaign. The Alamo project identified 13.5 million swayable voters in 16 states as battlegrounds and modeled enough voice combinations to win the battle. That's where the computerized dashboard provides recommendations on where campaigns are, which doors to go to, and security to send emails, letters or television advertisements to. In short, the presidential election became a battle of sophisticated big data techniques. The development of this kind of technique, called Bartlett, will change how voters make political choices, what kind of people are elected, and even whether

elections in this way can be called fair and free elections?

It means that there is a new style of fighting in elections that overshadows democracy. The biggest concern is whether society should be ruled by technology, and no longer by the people? Can democracy still be expected to be the best way to manage society for prosperity? Bartlett said it was the first time he had been seriously concerned about the long-term prospects of democracy, a system Winston Churchill called "the worst system of government, but still better than all the other systems he's tried".

Furthermore, the pace of digital technology is impossible to avoid or resist. It is an inevitability of the times. What is important to think about and do is how to make digital technology subservient to the democratic system itself, in responsible ways while upholding and always prioritizing the public interest. Long Live Constitution!





ETC

I D.G. Palguna

Matters which concern the transfer of power and other things will be executed by careful means and in the shortest possible time.

Excerpts of the Proclamation of Independence August 17, 1945.



Etc as the title of this article is inspired by the title of Elisabeth Pisani's book, *Indonesia Etc. Exploring the Improbable Nation* (Jakarta: Lontar Foundation, 2014) which when translated into *Indonesia and Others, Exploring the Impossible Nation*. There Pisani wrote, among other things, "When Sukarno, the flamboyant nationalist leader, proclaimed Indonesia's Independence, at that time he actually liberated a nation that did not really exist, imposed an imaginary union on a jumble of islands that had only a thin layer

of shared history and little cultural similarities." ("When the flamboyant nationalist leader Sukarno proclaimed the Independence of Indonesia, he was liberating a nation that didn't really exist, imposing a notional unity on a ragbag of islands that had only a veneer of shared history, and little common culture"). What was written by a former Reuters correspondent and *The Economist* who served in Indonesia for decades is not too wrong. However, he underestimated, at least he did not calculate, the power of unification and flesh and blood as a nation from an event called the Youth Pledge (1928). But that is not the focus of "Window" this time, but about the words "and others" in the text of the Proclamation of Independence.

Words that represent obscurity have been bothering me for a long time. How did he get tucked into the Manuscript of the Proclamation of Independence? What were contained things in the "etc" that is completely unimaginable. In fact, it is something that is completely unimaginable—along with "matters concerning the transfer of power"—that (w)will be "organized in a thorough manner and in the shortest possible time". The line

of reasoning that is built while reading the entire text of the Proclamation of Independence is like this: first, "We, the Indonesian people, hereby declare the independence of Indonesia" implying (the claim) that the Indonesian Nation existed before the State of Indonesia (i.e. the Unitary State of the Republic of Indonesia) was established. Only, he was in a state of colonization. Now (on August 17, 1945) he declared himself independent. Second, "Things concerning the transfer of power and others are carried out in a careful manner and in the shortest possible time." As far as the phrase "Issues concerning the transfer of power" is concerned, from the point of view of international law, it is a phrase that contains a statement regarding the success of the state, which in simple language means "replacement of the state." In the succession of states there is what is called the replaced state (predecessor state) and there is a substitute state (successor state). In the context of the Proclamation above, what is clear is its predecessor state, namely the Dutch East Indies (which at that time was under Japanese occupation). Meanwhile, what is the successor state? It is not clear yet—in

the sense that it is still promised to be “organized in a careful manner in the shortest possible time” with those who belong to the “and others” group.

“Etc” is only found its clarity when on August 18, 1945 the enactment of the constitution that was later called the 1945 Constitution of the Republic of Indonesia (UUD 1945). In fact, the content of “Etc” is truly extraordinary, as we can see in the fourth paragraph of the Preamble to the 1945 Constitution which reads, “After that, to form an Indonesian State Government that protects the entire Indonesian nation and the entire homeland of Indonesia and In order to promote public welfare, educate the nation’s life, and participate in carrying out world order based on independence, eternal peace and social justice, the Indonesian National Independence was drawn up in a Constitution of the Indonesian State, which was formed in an arrangement of the Republic of Indonesia which was sovereign by the people. based on God Almighty, just and civilized Humanity, Indonesian Unity and Democracy led by wisdom in Deliberation/Representation, and by realizing social justice for all Indonesian people.”

If it is constructed, the statement contained in the fourth paragraph of the Preamble to the 1945 Constitution will seem like the following description. First, that the Constitution of the State of Indonesia is the embodiment (“composition”) of the Indonesian National Independence (“therefore, the Indonesian National Independence was compiled into a Constitution of the State of Indonesia..”). Second, that the Constitution of the State of Indonesia needs to be drafted in order to form a Government of the State of Indonesia. Third, the Government of the State of Indonesia, that was formed based on the Constitution of the State of Indonesia, must protect the entire Indonesian nation and the



entire homeland of Indonesia, promote public welfare, educate the nation’s life, and participate in carrying out world order. Fourth, that the basis for the participation of the Government of the State of Indonesia in carrying out world order is independence, eternal peace, and social justice. Fifth, that the Government of the State of Indonesia which was formed based on the Constitution of the State of Indonesia is a Republic, namely the State of the Republic of Indonesia, which has sovereignty over the people. Sixth, that the Republic of Indonesia, which is sovereign by the people, which was formed according to the Constitution of the State of Indonesia, is based on the One and Only God, just and civilized Humanity, Indonesian Unity, Democracy led by wisdom in deliberation/representation, and with realize a social justice for all the people of Indonesia.

From the six points above, there are some interesting things to ponder further. First, regarding the statement “then the Indonesian National Independence was drawn

up.” What does the word “it” refer? None other than the Proclamation of Independence on August 17, 1945. furthermore, what kind of Indonesian nationality was proclaimed on August 17, 1945? The answer to this question is very important because there cannot be the word “it” if there is no previously agreed national idea. This then reminds us of the session of the Investigative Agency for Preparatory Work for Independence (BPUPK) on June 1, 1945, when a member of the BPUPK, Ir Sukarno, proposed Pancasila as the state’s foundation—which was approved but had to be “reworked” first. Before Sukarno offered what the basis of the state to be proposed, he first discussed “who is the Indonesian nation”? Because, according to Sukarno, the state he wanted to establish was a nation state (nationale staat) so that, as a logical consequence, only after knowing the answer to the question “who is the Indonesian nation” can one be offered what state basis is suitable for it.

It was there that Sukarno

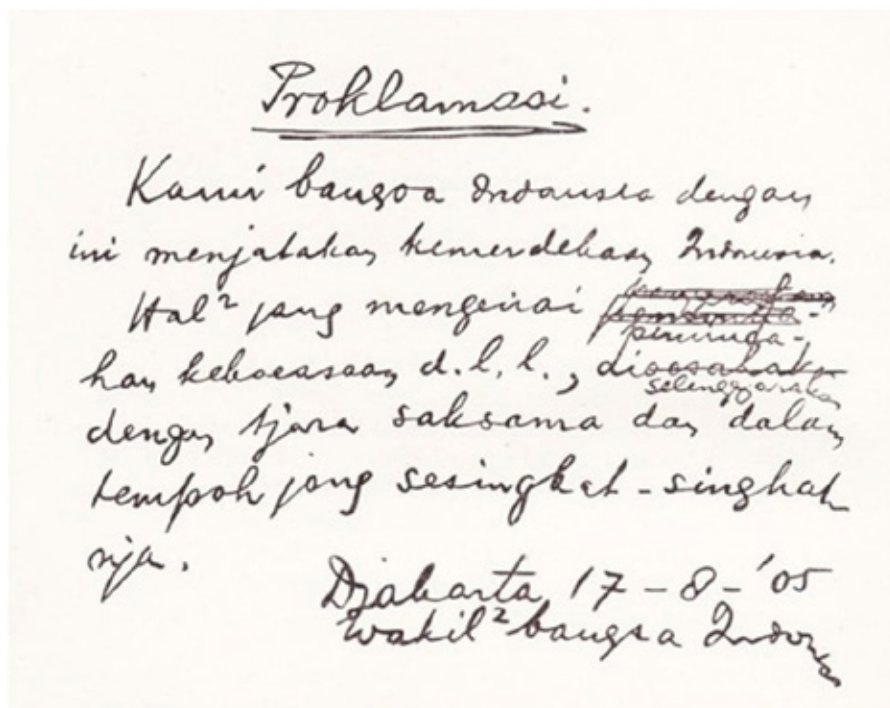
then expressed his opinion about who the Indonesian nation was. Sukarno said, the Indonesian nation was not based on ethnic unity or racial unity formed because of the will to unite, *"le desir d'être ensemble"*, as Ernest Renan put it—or a nation in the sense of a group of people who have the same temperament formed because of the equation of fate, *"Eine Nation ist eine aus Schicksals gemeinschaft erwachsene Character gemeinschaft"*, as Otto Bauer put it. Because if such ideas are used or followed then what will be formed is a narrow nationalism because such ideas were born before a new science, a new *wetenschap*, namely Geopolitics. Renan and Bauer's conception of nationality only looks at and emphasizes the person, they ignore the "land of origin" or the place where that person lives. The nation should also include the idea of unity between people and the homeland in which they live. Therefore, what is meant by the Indonesian nation is all people (regardless of their ethnicity, race, religion, etc.) who inhabit all of Indonesia's bloodshed and have a feeling of being united with their homeland.

Second, that the country that is to be established as a continuation of the Indonesian National Independence is a republic with people's sovereignty. In other words, it is a democracy. This message was not visible when the 1945 Constitution had not been amended. So, what happens in practice, there is a "Srimulat greeting" between the Preamble and the articles of the 1945 Constitution (before the amendment). In fact, the preamble contains directives that should be further embodied in the articles. So, it is really strange when lately people have been noisy (again) questioning the amendments to the 1945 Constitution which are said to be contrary to the Preamble. Unfortunately, these accusations encourage more prejudice than respect academic debates that are based on reliable data and straight and honest reasoning.

Third, by constructing the formulation contained in the fourth paragraph of the Preamble to the 1945 Constitution, it is clear that there is a relationship between the idea or understanding of Nationalism, the Proclamation of Independence, the Preamble to the 1945 Constitution, and the state foundation of Pancasila. Changes that occur in one of the four elements will affect, even change, the other elements because they are interdependent. That was the "message" obeyed and realized when the amendments to the 1945 Constitution were made: by saying that the 1945 Constitution consisted of a Preamble and articles (Article II of the Supplementary Rules) and an affirmation in Article 37 that the

changes it regulated were changes to articles, the Preamble to the 1945 Constitution cannot be changed. With the inability to change the Preamble to the 1945 Constitution, automatically the notion of nationalism and the basis of the state on which it is based will not change.

If Indonesia is desired to exist until the end of time, as Bung Karno often said, then this message must be taken seriously when we celebrate the birthday of this Republic. That's why I am often irritated every time I listen to politicians reading the text of the Proclamation without appreciation in the commemoration ceremony of the Second Proclamation, so that it makes the "sacred" script completely lifeless, let alone authoritative. ■



Naskah asli proklamasi kemerdekaan RI yang ditemukan di keranjang sampah (Koleksi BM Diah)

CONSTITUTIONAL COURT TRIAL PROTOCOLS



IT IS OBLIGATORY TO WEAR MASKS, GLOVES, CHECK BODY TEMPERATURE, AND KEEP A DISTANCE



THE PARTIES CAN ATTEND THE HEARING THROUGH REMOTE OR VIRTUAL HEARING



IMPLEMENTING ATTENDANCE RESTRICTIONS IN THE COURTROOM FOR THE PARTIES WITH A MAXIMUM OF TWO PEOPLE



SPRAYING DISINFECTANT ON ALL COURT FACILITIES AND INFRASTRUCTURE, INCLUDING THE COURTROOM, COURT WAITING ROOM, COURT RECORDING ROOM, TOILET, AND ALL EQUIPMENT.



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KETUA MK ANWAR USMAN

PERFORMING THE BEST DUTY

Every time and every period, it has different challenges. The wheel of life is always turning and rolling. It forces us to adapt. the Covid-19 pandemic currently has become an extraordinary phenomenon, and forces us to change and adapt to new circumstances. All activities, which we usually do every day, from waking up, until it is no longer like a normal routine. Likewise, in carrying out our duties, as actors of judicial power. The trial process, can no longer be carried out in the usual way, even from the start of

case registration, examination of the completeness of the application, and evidence, until the reading of the verdict, must adapt to new habits and circumstances.

In line in the secretarial sector, the employees, who provide services and support, under the command of the Secretary General, also experience many challenges and dynamics. The employees, no longer entirely work in the office, for the most part, are forced to work from home. Work facilities and infrastructure, the situation and conditions of working from home, are also part of the challenges that must

be passed. Thus, the performance of the institution can still be carried out, as it should be. We all have to understand such condition. Helping each other, and finding solutions help responsibilities as institutions can still be carried out as well as possible.”

**)This article is a speech by the Chief Justice of the Constitutional Court at the 18th Anniversary of the Constitutional Court which will be held on August 13, 2021.*

UCAPAN HUT KE 18 MKRI

Jimly Asshiddiqie **(First Chief Justice of the Constitutional Court)**



On behalf of personally, on behalf of citizens, as well as on behalf of the Chairman of the First Constitutional Court in the history of the Constitutional Court of the Republic of Indonesia who participated in the birth of the Constitutional Court of the Republic of Indonesia and as a team of experts in the 3rd and 4th Amendments to the 1945 Constitution, Happy Anniversary to The Constitutional Court of the Republic of Indonesia, that was established and ratified on August 13, 2003. It was only four days before the deadline set by the Transitional Rules of the 1945 Constitution as a result of the 4th Amendment to the 1945 Constitution.

Alhamdulillah, we are grateful that the constitutional guard institution that we have built since 2003 has succeeded in placing itself correctly in the constitutional system, the constitutional system of the Unitary State of the Republic of Indonesia, a democratic legal state based on Pancasila and the 1945 Constitution with the performance of leadership and all members and staff, both the Secretariat The General of the Constitutional Court and his staff as well as the Registrar of the Constitutional Court and his staff have worked earnestly to devote themselves to the interests of the nation and state. In the context of the 18th anniversary of the Constitutional Court, let us congratulate, not only the judges and employees of the Constitutional Court. But also congratulations to all our citizens, because the state constitution as the highest agreement has already been guarded by the Constitutional Court. May Allah guide us to stay on the straight path!



Mahfud MD **(Coordinating Minister for Political, Legal and Security Affairs)**

Alhamdulillah, on August 13, 2021, the Constitutional Court turned 18 years old. At this young age, the Constitutional Court carries out a noble duty as a guardian of the constitution in Indonesia. Although still young, I see that the Constitutional Court has carried out its duties and functions well and maximally. The Constitutional Court of the Republic of Indonesia was once included in the Top 10 Best Constitutional Courts in the World according to the Harvard Handbook version in 2012. The Court also managed to resolve the Dispute on the Results of the 2019 Presidential and Vice Presidential Elections well and smoothly. Likewise, disputes over the results of the 2009 and 2014 presidential and vice presidential elections. Everything can be resolved properly, with the procedural law which is also very open.

As someone who has been a part of the Constitutional Court, from an institutional perspective, I am really happy because the Constitutional Court continues to obtain many achievements. One of them is the Indonesian Museum of World Records Award for the Most Transparent Judicial Process Record. The Constitutional Court also received the Predicate of Unqualified Opinion (WTP) from the Supreme Audit Agency for 15 consecutive times. Finally, on the 18th anniversary, I hope that the Constitutional Court will remain optimal in carrying out its mandate as the gatekeeper of the Indonesian Constitution. Once again, Happy 18th Anniversary for Constitutional Court.Indonesia. Sekali lagi, saya mengucapkan Selamat Ulang Tahun Mahkamah Konstitusi ke 18.



Hamdan Zoelva

(Chief Justice of Constitutional Court 2013-2015):

It feels like time has passed so quickly. The Constitutional Court has entered the age of 18 years. Since the beginning of the 1st, 2nd, 3rd and 4th Amendments of the 1945 Constitution, I have been actively involved in formulating these amendments to the Constitution, including the formulation of a separate court as a guardian of the constitution, namely the Constitutional Court. By making comparisons in several countries and the historical experience of our constitutional journey. It turns out that at that time we really needed to establish a constitutional court which in the end we called the Constitutional Court that essentially was the guardian of the constitution.

At the same time, our constitution is indeed designed and formulated in such a way that the state in its implementation and achieving its objectives must be under the norms and guidelines of the constitution. Finally, until we form the Constitutional Court. My expectation is that the Constitutional Court is not too progressive because we will leave our cultural roots and lose our personality. Then the Court is also not very conservative. Thus, we should keep upholding the constitution with a national personality and keep abreast of social developments and international developments and at the age of 18, I personally as the Chief Justice of the Constitutional Court, congratulate the Constitutional Court! Hopefully it can continue to serve its existence for the interests of the nation and state.



Bambang Soesatyo

(Chairman of the People's Consultative Assembly):

I wish Constitutional Court Happy 18th Anniversary. During its 18 years of work, the Constitutional Court has become an important part in the development of democratic life in Indonesia, especially in guarding and enforcing the constitution through the administration of a modern and reliable judiciary.

One of the challenges that we still have to fight for together is to continue a society and nation that is aware of the constitution. The constitution is understood in its entirety and comprehensively, is always embedded in social life and becomes a reference in the implementation of national and homeland life. I believe and believe that the Constitutional Court will be able to answer the national challenge with real work and succeed in realizing the ideals of a useful rule of law that we all aspire to. May the Constitutional Court always be successful in carrying out its mandate in guarding the upholding of the constitution, so that it becomes a living constitution that is able to answer the challenges of the times, and a constitution that works and is efficient in realizing the ideals of welfare and social justice. Happy Anniversary Constitutional Court!



Aa Lanyalla Mahmud Mattalitti (Chairman of the Regional Representative Council):

Happy 18th Anniversary of the Constitutional Court. In the reform era, openness and the law become the spearhead. The role of the Constitutional Court is very central, the life of the Constitutional Court is also very much needed to ensure that democracy can run well.

Therefore, at the age of 18, the Constitutional Court must continue to maintain its neutrality and independence as a leading institution. Once again, Happy Anniversary Constitutional Court!



HM. Syarifuddin (The Chairman of the Supreme Court):

Happy anniversary 18th Constitutional Court on August 13, 2021. I hope that at the age of 18, the Constitutional Court of the Republic of Indonesia will be stronger in guarding the upholding of the constitution in this country.



Agung Firman Sampurna (Chairman of The Audit Board Of The Republic Of Indonesia)

Building a nation is building a civilization. An advanced nation is a nation that has an advanced civilization. This requires compliance with the constitution. Because the constitution does not only contain the basic written principles that form the legal and political system of the country, but also guidelines that lead a nation to a better civilization.

Keeping the constitution is thus an extraordinary task, a hard, intelligent and sincere work to keep the order of life of the nation and state on the right track to achieve the goals of the state! Today it is 18 years since the Constitutional Court has carried out its duties and authorities to examine laws against the 1945 Constitution of the Republic of Indonesia, to decide on disputes over authority between state institutions whose authority is granted by the 1945 Constitution of the Republic of Indonesia, to decide on the dissolution of political parties and to decide on disputes over the results of the general election. the opinion of the House of Representative if the President and/or Vice President are suspected of having violated the law. Happy Anniversary Constitutional Court! We hope that we will continue to stand firm in guarding the constitution for a better life of the nation and state, for a better Indonesia.



Mukti Fajar Nur Dewata **(Chairman of the Judicial Commission):**

I wish Constitutional Court Happy 18th Anniversary. Best wishes and prayers to the Constitutional Court so that it can always guard the constitution and democracy for the Indonesian nation.



Sri Mulyani Indrawati **(Minister of Finance):**

I would like to wish Happy 18th Anniversary to the Constitutional Court of the Republic of Indonesia. The birth and existence of the Constitutional Court is synonymous with an era of reform, a very important state institution that was born based on Law no. 24 of 2003, an institution that is an important milestone for strengthening the pillars and system of democracy in Indonesia.

The Constitutional Court is an institution that continues to maintain the mandate of the constitution and at the same time creates certainty about how the democratic system is run. The Constitutional Court continues to play a role in guarding and strengthening the constitutional basis. Including in building the Indonesian economy based on the mandate of the 1945 Constitution, a mandate to be able to realize a just civilized, democratic Indonesian state and nation and continue to create an economy that can prosper the people based on the principles of economic democracy and just prosperity. Hopefully, the Constitutional Court will continue to be a credible institution, guarding the Indonesian constitution and democracy and guarding the Indonesian state and nation on the way to achieving their goals.



Yasonna H. Laoly **(Minister of Law and Human Rights):**

I wish a Happy 18th Anniversary of the Constitutional Court of the Republic of Indonesia. During my tenure as Minister of Law and Human Rights, I see that the Constitutional Court as the guardian of the constitution has contributed to various aspects of the life of the nation and state, including contributing to the development of constitutional law, the development of political life and maintaining the quality of democracy in Indonesia through dispute resolution, legislative elections, presidential elections and regional head elections, and has won the trust of the public.

The Constitutional Court is a very modern judicial institution, so that trials are still carried out even in the Covid-19 pandemic situation and conditions, namely through the application of an electronic-based judicial system. I hope that the Constitutional Court will remain a judiciary that maintains independence, impartiality and integrity in adjudicating cases at the Constitutional Court, in order to provide justice that the nation and state are proud of as a manifestation of the Constitutional Court as the guardian of the constitution and the final interpreter of the constitution.



Suharso Monoarfa
(Minister of National Development Planning/National Development Planning):

Since the establishment in 2003, the Constitutional Court has produced many decisions according to its authority in reviewing laws against the Constitution, deciding disputes over the authority of state institutions, deciding the dissolution of political parties, deciding disputes over election results and including the results of regional head elections.

The Constitutional Court has made very significant changes in the formation of regulations through various important decisions that have been made. The Constitutional Court in its role as a state institution that oversees the constitution and democracy, also contributes to national development planning in national development plans and government plans. Especially in the priority program of national law enforcement. Happy 18th anniversary to the Constitutional Court!



Listyo Sigit Prabowo
(Chief of the Indonesian National Police)

During its 18 years of existence, the Constitutional Court has always been entrusted with safeguarding democracy and upholding the constitution through a modern and reliable judiciary. Therefore, in this happy moment, I wish 18th Anniversary of the Constitutional Court of the Republic of Indonesia.

Hopefully the Constitutional Court of the Republic of Indonesia will continue to strengthen the integrity of the constitutional court, increase awareness of citizens' constitutions and state administration and improve the quality of decisions for the sake of upholding the constitution, a sense of justice and legal certainty throughout the territory of the Republic of Indonesia. Longevity!



Mokhammad Najih
(Chairman of the Ombudsman):

I wish Happy 18th Anniversary to Constitutional Court. Hopefully the Constitutional Court will continue to oversee the constitution through a modern, fair and reliable judiciary.



Kairat Abdrazakuly Mami

(Chief Justice of the Constitutional Court of Kazakhstan):

Let me congratulate Constitutional Court of the Republic of Indonesia for the anniversary. For 18 years, the Constitutional Court of the Republic of Indonesia has carried out an important mission to ensure the supreme legal force and direct application of the Constitution.

The Constitutional Court's decisions have a key role in strengthening the rule of law, protecting human rights, and developing democracy in the Unitary State of the Republic of Indonesia. The guarantee of success is obtained from the high-quality structure of the Constitutional Court which firmly maintains constitutional values.



Jaroslav Fenyk

(Vice Chairman of the Constitutional Court of the Czech Republic):

The Geographical distance does not prevent friendly relations and beneficial cooperation between the Constitutional Court of the Republic of Indonesia and the Constitutional Court of the Czech Republic. Not long ago, we welcomed the visit of the delegation of the Constitutional Court of the Republic of Indonesia to the Czech Constitutional Court. After the visit, I personally had the opportunity to attend the International Symposium held by the Constitutional Court of the Republic of Indonesia in Bali.

Happy 18th anniversary to the Constitutional Court of the Republic of Indonesia, hopefully the Constitutional Court of the Republic of Indonesia can always give the best in carrying out its authority and maintain the trust to carry out its duties.

WHEN TECHNOLOGY AND JUSTICE MERCE

*“Being ‘digital’ is not about losing human touch. It’s more about automating where appropriate in a way that enriches the experience of citizens or residents in the justice system...”
(British Columbia Court Digital Transformation Strategy)*



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Information and communication technology or ICT (Information and Communication Technology/ICT) has become an inseparable part of our lives, both in our professional lives and in our daily personal lives. The same is true for the judiciary that can't withstand the onslaught of ICT developments. The judiciary can't resist the invasion of ICT developments, but it must actively participate in absorbing and adapting these developments and applying them in carrying out their functions and authorities.



Through the Constitutional Court of the Republic of Indonesia /MKRI website, in fact, the litigants and the public can access all public information about the MKRI. MKRI seeks to make this page a tool that facilitates public access to MKRI, both access to information on judicial administration and general administration. This is in line with the MKRI's vision and mission, which is to become a modern and reliable judiciary.

If ten years ago, to access information related to the case, people directly visit the Constitutional Court Building located at Jalan Merdeka Barat Number 6, now only through a laptop monitor screen or in the palm of the hand via a

Illustration of easy access to justice with the digitization of the justice system.
(Source: hullandhull.com)

Information and Communication Technology Based

The Constitutional Court of the Republic of Indonesia is one of the actors of judicial power as regulated in Article 24C of the 1945 Constitution. With the advancement of judicial technology in such a way, the Constitutional Court of the Republic of Indonesia can't close itself off from cases. As a result, Constitutional Court of the Republic of Indonesia has also adapted by developing its judicial system to be based on the use of ICT.

As a form of ICT adaptation, Constitutional Court of the Republic of Indonesia (MKRI) has developed various features on the www.mkri.id page with the aim of providing convenience for justice seekers.

The screenshot shows the official website of the Constitutional Court of the Republic of Indonesia (MKRI). At the top, there is the Garuda emblem and the text 'MAHKAMAH KONSTITUSI REPUBLIK INDONESIA' and 'LEMBAGA NEGARA PENGAWAL KONSTITUSI'. Below this is a navigation menu with items: BERANDA, PERADILAN, HAKIM, PERKARA, PERATURAN, and ADMINISTRASI UMUM. The main content area features a 'PUTUSAN' (Judgments) section with a table of recent decisions, a 'JADWAL SIDANG' (Court Schedule) for August 2021, and a 'Permohonan Online' (Online Application) section. There are also various service icons for 'Forum Konsultasi', 'Publikasi', 'Video Conference', 'Penyusunan Perkara', 'Forum', 'AACC', 'LPSE MKRI', and 'IDH'.

Page of MKRI (www.mkri.id)



Suasana sidang virtual pengujian undang-undang. (Sumber: Humas MKRI/ifa)

smartphone (smartphone). Things are easily accessible.

Various features related to cases on the www.mkri.go.id consist of the online application trial live streaming feature, Case Tracking, Case Consultation, Decision, Minutes, Summary of Decision, Decision Annotation, Session Schedule, and others. In addition, the MKRI page also contains information related to general administration, such as LPSE, JDIH, Whistle Blowing System, Annual Report, Performance Report, Budget Report, Constitutional Journal, Constitutional Review, KONSTITUSI Magazine, and many more. With these features, Constitutional Court of the Republic of Indonesia strives to apply the principle of transparency.

Virtual Hearing

Since the Covid-19 pandemic, the Constitutional Court has also

run a virtual hearing process, especially for the trial of law testing. The procedural law for judicial review

has also changed according to the development of the situation. In the end, the hearing was carried out with



Dynamic Archive Information System or SIKD

the virtual presence of the litigants, while the panel of judges was present in the courtroom.

The procedural law for judicial review was also revised to accommodate changes in the trial process. The Constitutional Court Regulation Number 6 of 2005 concerning Guidelines for Proceedings for Judicial Examination was changed to Constitutional Court Regulation Number 2 of 2021 concerning Procedural Procedures in Cases of Judicial Review.

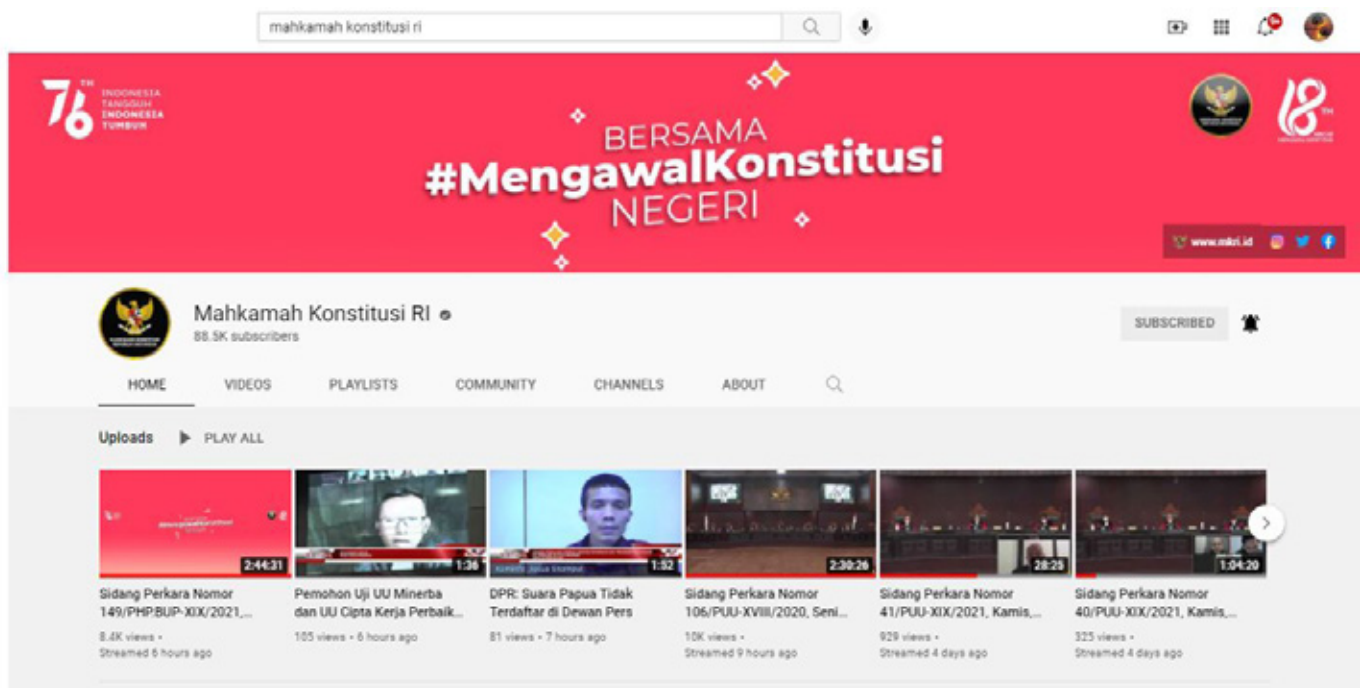
Internal Application

Constitutional Court of the Republic of Indonesia has also

developed various integrated internal applications to improve the efficiency of support for judicial administration and general administration. For example, the Dynamic Archive Information System or SIKD is a system used to support the internal performance of the Constitutional Court and is part of the knowledge management of the Constitutional Court. SIKD was generated starting with the idea of an archive management that is fast and easy to find if needed by the leadership of an institution and the general public. The existence of SIKD aims to minimize the existence of archives that are still managed manually.

Thus, it becomes difficult to find when needed and even archives are lost. This is considered as a constraint that burdens the work of an organization.

SIKD is present as a solution to the problem of archive management as referred to by utilizing the use of information technology. At the national level, the policies of the central government in the era of President Joko Widodo through Nawacita and the Electronic-Based Government System (SPBE) as well as policies from ANRI, require Ministries/Agencies to use SIKD in archive management.



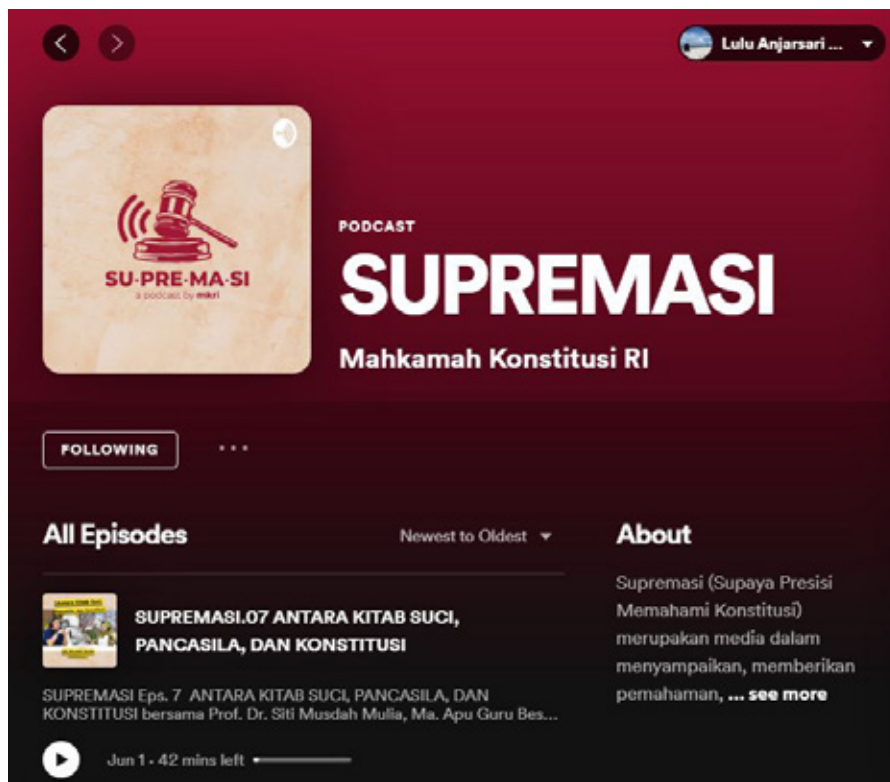
MKRI Youtube Channel

The main purpose of using the SIKD application is to provide archiving services that are easy, fast, effective and efficient. The Registrar and Secretariat General of the Constitutional Court felt a significant change after using the SIKD application in archive management. For example, the amount of paper and printer ink used is drastically reduced (less paper) and the impact is reducing the paper archive storage space so that it is more efficient, the speed of service delivery is more effective, and in terms of data security is safer. SIKD is also integrated with seven other internal applications, namely e-Kinerja, SIMJAB, e-SOP, SIBANGGALAN, SIGAPP, Dashboard, and MKRI Mail.

Social Media

The latest development of new internet-based web technology is the emergence of social media. It aims to ease everyone to communicate, participate, share and form an online network, so that they can disseminate their own content. Social media also has many forms, including Instagram, Facebook, Youtube, Twitter, and many others.

Based on this development, MKRI also has a number of social media accounts on various platforms, including Instagram, Facebook, Youtube, Twitter, and Spotify. The use of social media is used to disseminate information regarding the trial and non-trial activities of the Republic of Indonesia. Not



SUPREMASI, MKRI podcast available on Spotify Platform

only that, on the MKRI (Indonesian Constitutional Court) Youtube channel, it also broadcasts every trial that takes place at the MKRI. In addition, the MKRI Youtube channel also presents warm discussions about law and the constitution which are packaged in the form of podcasts. Several figures in the legal field were

present as speakers in the podcast which was also broadcast on the Spotify application.

All efforts made by the Constitutional Court to adapt technological developments to carry out their functions and authorities are solely for the sake of facilitating access for many parties to justice. ■

(LULU ANJARSARI)

THE USE OF CONSTITUTIONAL COURT TECHNOLOGY AND INFORMATION DURING THE PANDEMI



Photo: The atmosphere of the judicial review session during the Covid-19 pandemic

In March 2020, the world was shocked by the spread of the virus that was suspected of being strong from bats in Wuhan, China. The victim began to fall. It doesn't only happen in China, but extends to the surrounding country like India, then spread to Europe, America, Southeast Asia including Indonesia.

The increase in victims of the virus in various parts of the world is increasing, from the mild, medium

to severe symptoms, even died. The spread of this epidemic continues to grow, until finally it is known that the cause of this pneumonia cluster is novelcoronavirus. This pandemic continues to develop until new mortality reports and cases outside China. No doubt, the world includes the WHO are waiting for a long time to anticipate the situation of a condition that began to worry.

On January 30, 2020, the WHO established the virus as the Public

Health Emergency of International Concern (PHEIC) or the health emergency of the world (KKMMD). On February 12, 2020, WHO officially stipulates the coronavirus novel in this human being called Coronavirus Disease (Covid-19). This virus is caused by SARS-COV2 included in the large family of Coronavirus which was the same as the causes of SARS in 2003, only different types of viruses. The symptoms are similar to SARS, the SARS mortality

rate (9.6%) is higher than Covid-19 (currently less than 5%), although the number of Covid-19 cases is far more than SARS.

Furthermore, WHO established Covid-19 as a pandemic since on March 11, 2020. Until November 14, 2020, more than 53,281,350 cases had been reported more than 219 countries and regions of the world, resulting in more than 1,301,021 people died and more than 34,394 .214 people heal.

What about in Indonesia? When Covid-19's death ratio in Indonesia reached 4.3%, the worst fourth in the world, President Joko Widodo gave Covid-19's related direction to all ministers, regional heads, and the people, including the steps that must be carried out by the Ministry of Health, Regional Status, budget, economy, to direction to work, school, and worship from home. However, the government did not implement regional quarantine (lockdown) in the area with a high Covid-19 case.

The government continues to increase response to Covid-19 to restore public trust. On March 16, 2020, the government added the number of Covid-19 test laboratories to 12. Next March 17, 2020, the government announced the extension of the Covid-19 emergency status of May 2920. The government also announced the number of Covid-19 patients would increase dramatically because the government continued Active track people who have been related to positive patients. Meanwhile, the Ministry of Foreign Affairs announced it would ban and transit visitors from England, Italy, France, Spain,

Germany, Switzerland, Vatican and Iran starting March 20, 2020 and suggested Indonesian citizens abroad to go home.

Law Enforcement Remains to Run

Pandemic Covid-19 forces almost all fields to leave the old pattern that has been formed in carrying out daily activities. Educational activities, trials/hearing and activities that are commonly done by face to face and meet directly are switched using virtual patterns.

This condition also has an impact on the Constitutional Court of the Republic of Indonesia (MKRI) as a constitutional judiciary whose main authority conducts testing laws on the Constitution (Constitution). Thus, it must continue to carry out the trial as a constitutional task that has been regulated in the

Constitution and Court Regulations Constitution (PMK). But even in the condition of the Covid-19 pandemic, law enforcement should not stop. It can't be imagined if the law can't be enforced one day or even one hour. Thus, Chaos or turmoil can occur everywhere. This was confirmed by the Chief Justice of the Constitutional Court, Anwar Usman.

At the beginning of the Pandemic Covid-19, the Constitutional Court decided to delay the hearing of the entire case. Not taking a log time, the Constitutional Court negated the hearing of approximately 2 weeks, from March 17 to March 3020. However, the Constitutional Court service continues to take advantage of web-based online or electronic lines on the official MKRI page. The policy was taken by the Constitutional Court by prioritizing aspects of health, humanity, and safety of all parties. The policy



Preliminary hearing of judicial review carried out online



Visitors are required to check body temperature before entering the Constitutional Court building

of postponing the hearing was a spontaneous and temporary choice. The step was realized it could not be done for a long time. Besides no one knows exactly when the pandemic ends, the delay in the hearing would also extend and equip the settlement of the case.

The trial of the judicial review for example, is no longer done face-to-face but online. Most applications for applications are also conducted online, so the applicant does not need to bother carrying a request file to the Constitutional Court. Next, the Session of the Pronunciation of the Constitutional Court verdict was also online. Except for concrete cases such as regional elections, Constitutional Court mixes the pattern of trial luring and online. The conditions made by the Constitutional Court are not ideal. This is what we have to keep perfect including perfecting the technology. In 2020, Constitutional Court administration was at least 70

percent carried out with IT-based.

In addition, the Constitutional Court gives the choices to the parties who will take part in the trial, will be attended directly in the courtroom or present through virtual. However, in line with the implementation of large-scale social restrictions (PSBB) in the Jakarta area, the Constitutional Court took firm policies to organize trials virtually. It means that the constitutional judges are in the Constitutional Court courtroom, while the parties are allowed to be present only virtually. At this point, the application of long-distance or virtual hearing with the help of the latest information technology devices is the most realistic choice.

For Constitutional court, long-range hearing by utilizing information technology devices is not something new. As a modern justice, the Constitutional Court became a pioneer of long-distance hearing.

Since 2009, the Constitutional Court has held a remote hearing examination using video conferencing technology carried out online and real-time.

The use of technology does not only regard the interests of pappiness. Yet, for the interests of internal constitutional court, it was also developed technology to help support judges in completing the handling of cases with modern justice administration. One of them by doing efficiency, not only physically but efficiently in terms of time. After 18 years the Court stood, the Constitutional Court experienced a very significant development. But the development of the Constitutional Court is not necessarily able to be in accordance with the demands of future developments. Therefore, from various sides including human resources (HR) must be able to anticipate future problems that are increasingly complex.

Regarding the accessibility of the hearing, there are fears that the virtual trial in the Constitutional Court will be more difficult to access. Public accessibility to follow and monitor the hearing will be hampered. For the Constitutional Court, such thing does not apply. The Constitutional Court remains strong holding that a hearing is a public event. What transpires in the courtroom is public properties. The thearing is a public event. Whatever occurs in the courtroom is a public property. This was revealed by Constitutional Justice Arief Hidayat at the National Seminar and Call for Papers "Transformation of Law and

Technology in Strengthening State Security in the New Era of Normal” Cooperation FH Development Universities of East Java Veterans and FH Trunojoyo University, September 30, 2020. Thus, is a public right for Knowing that the judge and all public servants are responsible for the trial carrying out tasks in a fair and trustworthy way. That public rights that constitutional court must be fulfilled.

Including Regional Election Dispute

The application of technology for the trial of the dispute over the 2020 regional election has reached 80 percent. The Constitutional Court still applies the Work From Office (WFO) and Work From Home

(WFH) pattern for its employees. The Constitutional Court organizes the schedule of any employee who must be WFO and WFH in accordance with the responsibility of each employee. The situation of the Covid-19 pandemic which is getting worse requires the Constitutional Court to adapt the mixed model of WFO and WFH for the presence of the MK task force in handling the PHP Kada Case in 2020.

Then for visitors to the election dispute arrived directly, the Constitutional Court tested the antigen swab test, checking body temperature, it was obliged to use a mask, still maintain a distance, including limiting the number of people who entered the courtroom. While partial parties, can use virtual

ways through YouTube MKRI. All of this is intended to eliminate, break the chain of Covid-19 deployment. As confirmed by the MK Muhidin Registrar in an interview with the constitutional magazine editorial team in 2020.

Until now, still in the Covid-19 pandemic period, the Constitutional Court hearing is held online and luring, all of them can be accessed by the public through live streaming, both on the Constitutional Court and through YouTube channel: the Indonesian Constitutional Court. Thus, wherever it is, as long as the location is able to reach an internet connection, the public can access, watch, while monitoring the Constitutional Court trial. ■

NANO TRESNA ARFANA



The atmosphere of the election hearing session that combines offline and online

COVID-19 PANDEMIC AND THE IMPACT FOR CONSTITUTIONAL COURT



SOURCE: [HTTPS://MEDIAINONESIA.COM/AFP/ARUN SANKAR](https://mediaindonesia.com/afp/arun_sankar)

Since the Republic of Indonesia President Joko Widodo officially established an outbreak of COVID-19 as National Disaster on Monday, April 13, 2020, the number of victims still did not show the end of the Covid-19 outbreak in Indonesia. In the beginning, the government poured the policy of handling through

Presidential Decree Number 12 of 2020 concerning Determination of Disasters in the distribution of Corona Virus Disease 2019 (Covid-19) as a national disaster. The various steps are carried out by the government to minimize the spread of the plague. In an effort to break the Covid-19 distribution chain, the government imposes several terms to limit community activities, including

large-scale social restrictions (PSBB), the implementation of the restrictions on community activities (PPKM), restrictions on micro-based society activities (Micro PPKM), restrictions on activities Emergency community (Emergency PPKM), limitation of level 4-based community activities (PPKM Level 4).

The policy conducted by the government is inseparable from

the obligation to the presence of the state to ensure the safety and health of the rights of its citizens. Like the Latin Adagium introduced by ancient Roman philosophers, Marcus Tullius Cicero (106-43 BC) namely *Salus Populi Suprema Lex Esto*, it explained that people's safety is the highest law. This is also in line with the Indonesian Constitution, in Article 28H paragraph (1), Article 28i paragraph (4), and Article 34 paragraph (3) of the 1945 Constitution. In essence, the state through the constitution provides constitutional guarantees to the right to life and the right to health for every citizen. In simple terms, the government strives to focus on maintaining the connection of constitutional rights of citizens, both the health, economic and social fields, including the time of the Covid-19 pandemic. The existence of the government's policy also has an impact on the sustainability of legal protection activities which are the task of the judiciary such as the Constitutional Court. In order to support government steps in the efforts to prevent the spread of Covid-19, the Constitutional Court also poured the updated work rule in accordance with the development of Covid-19 cases in Indonesia. MK in Circular Secretary General of the Constitutional Court Number 7 of 2020 concerning Vigilance and Health Appeal Covid-19 responded to policies from the Minister of Administrative Reform and Bureaucratic Reform (PANRB) on the Panrb Ministerial Circular Letter Number 19 of 2020 concerning Adjustment of Work System in the Civil Service Civil Service Efforts to prevent the spread of Covid-19 in

LARGE-SCALE SOCIAL RESTRICTIONS POLICY

Large-Scale Social Restrictions Policy/PSBB

(10 April - 11 October 2020)

Applied for the Jabodetabek area Government Regulation Number 21 Year 20 and Technical Implementation is regulated through the Minister of Health (Permenesa) of the Republic of Indonesia Number 9 of 2020 concerning Guidelines for Big Scale Social Restrictions in the framework of the Acceleration of Handling Corona Virus Disease 2019 (Covid-19).

Strick Large-Scale Social Restrictions Policy/PSBB

(11-25 January 2021)

Valid for the DKI Jakarta region
DKI Governor's Decree Number 19 of 2021 concerning Enforcement, Duration, and Restrictions on PSBB about outside activities.

Micro Restrictions to Community Activities/PPKM

(9 February - 28 June 2021)
Restrictions on community activities must consider the development of regional risk zoning in each region.

Level 4 to Level 1 Restrictions to Community Activities /PPKM

(26 July - 30 August 2021)
Inmendagri number 24 years 2021 Regarding Level 4 and 3 Restrictions to Community Activities/PPKM in the Java and Bali regions; Inmendagri number 25 of 2021 concerning PPKM Level 4 in the Sumatra region, Kalimantan, Sulawesi, Nusa Tenggara, Maluku, and Papua; Inmendagri number 26 of 2021 concerning Level 3, Level 2, and Level 1 Restrictions to Community Activities /PPKM and optimizes the Covid-19 Penagagan Post at the village and village level.

Transition Large-Scale Social Restrictions/PSBB

(12 October 2020 - 11 January 2021)

Applied for the DKI Jakarta region
DKI Jakarta Governor Decree Number 1020 of 2020 concerning the enactment of PSBB of the transition period towards a healthy, safe and productive society.

Restrictions to Community Activities/PPKM

Applied for the Java and Bali regions
Minister of Home Affairs Instruction Number 1 Year 2021 concerning Restrictions on Community Activities on the Island of Java and Bali.

Emergency Restrictions to Community Activities/PPKM

(July 3-25 2021)
Applied for Java - Bali
Instruction of the Minister of Home Affairs (Inmendagri) Number 15 of 2021 concerning Enforcement of Restricting Emergency Community Activities Corona Virus Disease 2019 in the Java and Bali regions

SOURCE: PROCESSED FROM
RELEVANT SOURCES

the government agency. Since then, the Court conducts an official task with scheduling working from home and works from the office with the application of the health protocol in accordance with the provisions of the Indonesian Ministry of Health and WHO.

Always Standby

In order to tackle and break the chain of the spread of Covid-19, Constitutional Court since the beginning has formed a Covid-19 handling task unit (Covid-19 Satgas). This is regulated in the decision of the Constitutional Court Secretary General Number 97 of 2020 concerning the Covid-19 handling task force at the Constitutional Court. In this Covid-19 MK Task Force, clinical medical personnel are the leading guard which until today is still on standby guard and maintain the health of the entire Pagawai of the Constitutional Court. This was revealed by Verra Yunita Mamonto as the Coordinator of the MK clinic medical personnel in the interview conducted by the Constitutional Court media crew through a telephone connection on Thursday (8/19/2021).

“Actually, since the presence of the Covid-19 the task force in the Constitutional Court, in practice the constitutional court medical team worked. We took the initiative to connect with the Ministry of Health of the Republic of Indonesia to get the update of the rules and various treatments that must be done in helping the constitutional court employee exposed to Covid-19. Even though we were not given a special

training because it was not included in the Covid-19 volunteer list, every action taken was always guided by the provisions of the Ministry of Health which applies to every government agency in Indonesia,” Verra said.

Entering 2021, Verra said that if the constitutional court medical team continued to carry out routine tasks to tackle and disconnect the Covid-19 deployment chain. For example, every week an antigen swab is carried out for every employee, giving vitamins and vitamins regularly, and health consultations both online and come directly to the constitutional court Polyclinic. Furthermore, Verra also

revealed that there were employees who were indicated exposed to Covid-19, then the Constitutional Court’s medical team would provide direction for further tests to a well-appointed hospital or the nearest hospital from the neighborhood where the Constitutional Court was concerned. Besides, if the employee is confirmed by Positive Covid-19, the constitutional court medical team will continue to monitor the employees concerned until they recover and re-carry out official duties properly.

As an optimal effort in the spread of Covid-19, the MK medical team has also carried out mass vaccinations for employee government (PNS),



Constitutional Court/MK Polyclinic Officers When conducted Swab Antigen For MK Building Visitors

non-employed government employees (PPNPN), outstanding employees and employees of Manchester, and the families and relatives of the Civil Servants. This activity was carried out on the support of the Ministry of Health which monitored the implementation of vaccination and the National Covid-19 handling team, the Ministry of State Secretariat as well as health workers from various hospitals.

Technology in online and offline workspace

Related to efforts to prevent the spread of Covid-19, Ministry of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia (Kemenpan RB) issued a Circular of the Panrb Minister Number 19 of 2020 concerning the Adjustment of the State Civil Apparatus Work System in Efforts to Prevention Covid-19 in the Government Agency. The circular letter became a guideline for government agencies in implementing an official task by working at home (work from home / wfh / work from home / kdr). Starting from March 17, 2020, the Constitutional Court has implemented WFH for all employees in the Registrar's Office and the Secretariat of the MK by utilizing information technology.

To this day, the Information Technology Team (ICT Team) continues to optimize services for the performance of Judges, Officials and MK employees in the virtual space and work at the Constitutional Court as revealed by Acting. Head of ICT Center MK Sigit Purnomo in an interview on Wednesday (25/8/2021). In this case, Sigit said



The verification process for the presence of people who are lawful by applying the health protocol

the ICT team performed a number of steps, including providing VPN installations in the work of judges, officials and employees, such as Cell Phone/ Laptops to be connected to the Constitutional Court network to make it easier to work WFH; Building mail communication media and meeting by utilizing ICT technology; Providing digital personal applications with electronic signatures and integrated with mail numbering; innovate in storage and management of digital archives; Make and provide the completeness of the virtual meeting agenda in SIKD; provide IT services using email media, WhatsApp Blast and SMS Blast; and make and provide the completeness of a virtual meeting agenda in SIKD; Create an online attendance information system; and make a health monitoring information system.

Meanwhile for the needs

of the trial of the case in the Constitutional Court, the ICT team maximizes technology by creating a case registration information system online and making the setting of the courtroom through the trial online. In the application of this online session, the ICT team also applied several rules to support the smooth running of the trial. For example, at the preparation stage of the trial, the Constitutional Court/MK ICT team has made a zoom link according to the trial schedule from the MK's Registrar's Office; Assign the ICT team and the caller send a zoom link to the parties at least one day before the trial; and 1 (one) hour before the start of the trial will be tested for zoom meetings, audio, video and devices used by the parties; And the parties will be informed of the order during the hearing virtually/online.

Furthermore, the ICT team



Security guard officer checking the temperature before the employee enters the building

also made provisions for the parties who will take part in the online trial, namely the parties must have a supporting device in the trial online such as PC /Laptop / cellphone and Earphones / Headsets; The parties must have a stable internet connection; The parties must prepare the battery condition of the device in a full condition and set up a charge; The parties must be connected with the zoom link trial that has been sent via email / wa blast; and the parties must send names that follow the trial online so they can be admitted by officers / ICT teams.

In workflow during the implementation of restrictions on activities in the office, the ICT team applies various efforts so that the service to the work of the institution

continues to run well. Among them do division of tasks WFO and WFH while still prioritizing the support of the trial to work WFO for trial officers; Especially for the ICT Team in the infrastructure in charge of the office to handle the hearing will be assigned according to the trial schedule with the distribution of 1 person in the courtroom and 2 people in the control room; For the ICT team the field of information systems will be assigned in the office of two people every day; Focus on the output and target given by the leader; And always think of innovation to build information systems / applications in supporting organizational performance to maintain the performance of the team, Sigit admitted that he

continued to try together in building a positive mindset so that the energy and minds that had been spent could be useful for the progress of the Indonesian Constitutional Court. In addition, the ICT team is given the freedom to try and innovate in order to progress in the future.

“Instilling the important thing that the ICT team becomes the backbone in supporting the MK’s performance so that one small mistake can be fatal. So, they don’t have a mistake / failure. In addition, it also instills the principle of ‘soulless serving’. This means that the ICT team must always be ready whenever needed for performance support for all MK employees, “ added Sigit. ■

SRI PUJANTI

THE STORY OF COVID SURVIVOR

Exposure to the Covid-19 pandemic is absolutely inevitable in the Clerk and Secretariat General of the Constitutional Court. The Constitutional Court's employees are also unavoidable from the tough mental and physical struggles facing the pandemic that is also sweeping the world. Covid-19 survivors is the name for patients who have recovered from COVID-19. Through this article, they tell how the initial journey was confirmed, the struggle to deal with Covid-19, and the recovery process from the pandemic which for each individual can have a very distinctive impact.



SOURCE: SUMARNA'S PERSONAL COLLECTION

Agung Sumarna Health Protocol Is Important

Starting from fulfilling the requirements to carry out official duties out of town, Agung did an antigen swab test before traveling. But the result, he was indicated reactive. In accordance with agency regulations, he also carried out a follow-up examination to the hospital. The result was confirmed positive for Covid-19. Without thinking for long, Agung decided to undergo the treatment and healing

process at Wisma Athlete, which is an Emergency Hospital for handling the Covid-19 pandemic in Jakarta. From Agung's experience, he was classified as an OTG patient (asymptomatic person). For several days at Wisma Atlet, he received good health services, starting from obtaining the medicines he needed, clean inpatient rooms, and adequate facilities. But he just felt the struggle to deal with the virus, which is certainly not visible to the eye, feels heavy. Long story short, Agung began to feel

clinical and psychological symptoms of being exposed to Covid-19.

"Days 5 to 9, I felt shock because the food couldn't get in. I just looked at the rice box and the medicine was already vomiting. No matter how hard you try, I couldn't. Finally, I really gave up and surrendered and asked for prayer from family, friends, and closest relatives to be given the strength to recover," said Agung, who on the 14th day was only allowed to go home and self-isolate for one week before returning to his usual activities.

Based on this experience, Agung advised his colleagues to carry out the health protocol properly and not to be over-zealous. Because, he said, the virus is something that is invisible but has a bad impact if exposed to it. "We never know, Covid-19 is invisible. Stay healthy, whether at home, in the work environment, it is we who can take care of ourselves, not other people. Don't think this is all a dream. The health benefits that Allah has given at this time must be maintained properly," said Agung as the camera person at Media MK.

Aries Suprihantoro: The Price of a Family Togetherness



His wife who complained about the loss of smell, then Aries took the initiative to do an antigen swab while working. The PCR results also confirmed that he was positive for Covid-19. After consulting with the MK Clinical Medical Team, Aries was allowed to do self-isolate. Three days after being exposed, Aries begins to lose their sense of smell. Facing this condition, Aries chose to continue to communicate with the survivors of the Covid-19 constitutional court so that he was calmer in finding the symptoms he felt during his self-isolation. While undergoing self-isolation, Aries often sunbathed in the sun every morning, simple exercise on the terrace of the house, eats a healthy and balanced diet, and does eucalyptus steam therapy so that the chest cavity becomes more spacious to breathe.

According to Aries, undergoing self-isolation is not easy because you have to pay extra to meet all your daily needs. In addition, he began to increasingly feel the meaning of togetherness with family.

“self-isolation at home, my wife was being treated at Wisma Atlet, the children were at their grandmother’s house. All made separate and alive respectively. It’s like having a lot of money, what do you do? Because you have to live alone. Want to have fun alone, what do you do with money, it’s better to have enough money and get together with family. So far, I’ve never been away from my family, but once I got Covid I started to be isolated from my family and closest people,” said the man who was cheerful and very happy to help buy the constitutional court staff’s lunches.

Nalom Kurniawan: The Spirit of Life is Attacked



Almost all his family members have been exposed and confirmed positive for Covid-19. Thus, Nalom started the story by mentioning that one by one the Covid-19 virus attacked his family members. He also began to feel uncomfortable with his body condition after several days of trying to live a healthier and more regular life than usual and diligently bored. However, in the end he became weaker and his family took him to

the hospital. When he arrived at the hospital, he was classified as a Covid-19 patient with moderate symptoms. Day after day Ian went through taking medicine and getting medicine inserted through an IV tube for days. The worst thing for Nalom when he was in the hospital was having to experience nausea and vomiting and not being able to drink and eat. “Even though the saturation is still above 90 and I have been vaccinated twice, but I feel that the long breath is coughing and the bones, joints, head are all sore,” said Nalom.

For Nalom, when he was attacked by Covid-19, not only his body was attacked but also his spirit of life was also killed. Nalom said, be away from family who are also being exposed to the same thing. He found nights with cold sweat soaking the body, aching bones, and a very easily tired body. Even with the condition of a patient like Nalom, the doctor suggested that the post-discharge recovery process from the hospital could take up to two months. “What is disturbed is not only physically, psychologically because there is a feeling of worry. I admit, I can only focus on work after the 3rd week. Walking for a long and long distance, even bones hurt,” said Nalom, who works as a researcher at the Constitutional Court every day. ■

SRI PUJIANTI

MUHIDIN

CONSTITUTIONAL COURT'S CLERK

CONSTITUTIONAL COURT CONTINUES TO DEVELOP MODERN JUDICIAL ADMINISTRATION DURING PANDEMIC

In commemoration of the 18th Anniversary of the Constitutional Court, the Editorial Team of KONSTITUSI Magazine had the opportunity to meet the Registrar of the Constitutional Court, Muhidin. On this occasion, Muhidin discussed the development and performance of the Clerk of the Constitutional Court for 18 years coinciding with the anniversary of the Constitutional Court on August 13, 2021. The following is Muhidin's statement.



This year, the Constitutional Court is 18th years old. From the administrative support of the Clerk of the Court, what are the developments?

The Constitutional Court's Procedural Law according to statutory provisions including the Constitutional Court Regulations, both for judicial review and regional head elections, has undergone various developments for various reasons. First, the noble intention of the Constitutional Court to continue to develop the Constitutional Court as a modern and reliable judiciary. Two, this variable in accordance with the development of the times will never stop level, will always adjust according to the demands of the times. Including the law must adapt to the dynamics of society and the environment of the Constitutional Court, which does not only exist in Indonesia or even the Asian region, but also the world. This is what we must always develop.

The Registrar as one of the supporting units must have a program for the long term, medium term, short term. For example, in the medium-term program, the Constitutional Court is faced with one side if according to the provisions of the law it must deal with one point, namely the 2024 Simultaneous Election, for example, how the pattern of case handling if carried out simultaneously. Our experience in 2019, was simultaneously carried out in elections. But later in 2024, it will be carried out simultaneously not only in the general election but also in the regional head election. Although the design of the

legislators for simultaneous elections and local elections does not yet exist. Just designed based on a decision only with several alternatives as stated in the Constitutional Court's Decision No. 55/ PPU-XVII/2019. Apart from the open legal policy, what is the design like? If the Constitutional Court is too far in making a decision, the realm can become the realm of the legislature. This must be anticipated by the Constitutional Court, the clerk in particular.

Due to the Covid-19 pandemic, the modern Constitutional Court justice optimizes technology more. Then due to these conditions, there seems to be a new procedural law. What is your comment?

The next challenge for the Constitutional Court is an unforeseen condition. All of us, the Indonesian people and even the world and including the Constitutional Court are facing the this such Covid-19 pandemic situation. While the task of the judiciary is to guard the constitutional rights of citizens, it must not be stopped. We must find a way so that the Constitutional Court's task process in order to safeguard the upholding of the constitution and protect human rights is still carried out by the Constitutional Court by adjusting it. In the meantime, what we are doing is by making a trial pattern, an IT-based examination pattern that adapts to pandemic conditions.

The hearing of judicial review, for example, is no longer conducted offline but online. Most of the application

submissions are also done online, so the applicant does not need to bother bringing the application file to the Constitutional Court. Then the hearing on the pronouncement of the Constitutional Court's Decision has also been online. Except for concrete cases such as *pilkada*, we mix offline and online trial patterns. The conditions under which the Court is working are not ideal. This is what we must continue to perfect. Including us perfecting the technology. It is expected that this year, at least 70 percent of the administration of the Constitutional Court justice will be carried out based on IT. As the election hearing, the application of technology has reached 80 percent.

The use of technology does not only concern the interests of the parties. However, for the internal interests of the Court, technology has also been developed to help support judges in resolving cases with modern judicial administration. One of them is by making efficiency, not only physically but efficiently in terms of time. After 18 years the Constitutional Court was established, according to the Constitutional Court Justices, the Constitutional Court experienced a very significant development. But today's developments may not necessarily match the demands of future developments. Therefore, from various sides, including human resources, they must be able to anticipate increasingly complex future problems.

Regarding the theme “Digitizing Culture to Strengthen the Constitution”, when viewed from the administration of justice, is the digitalization culture high enough?

From a judicial perspective, we say high things when we talk to whom. Comparing the 2021 Constitutional Court with the 2003 Constitutional Court, it is clear that the current Constitutional Court has advanced. But do we compare it in that way? It do certainly not. Thus, we have to think about what we do in the midst of this. Don't think too flashback, backwards. But what we have to do is how the Constitutional Court will look in the future.

Along with the development of law and society, the law must be able to exceed the needs of the community, not to be left behind. The role of the Constitutional Court will be very strategic when for example the House of Representative makes a law, the Constitutional Court as the interpreter of the law. The Constitutional Court thinks far ahead universally, how the Constitutional Court formulates and interprets the law.

What Innovations that have been carried out by the Clerk of the Court for 18 years?

The Court's Registrar's Innovation is carried out in coordination with the Secretariat General of the Constitutional Court, trying to carry out various innovations or updates, findings, any creativity in order to face challenges in the future. In carrying out its support to the Constitutional Court, the Registrar

provides support for the administration of justice. With regard to technology, of course, the Registrar can't design what technology. The Registrar must be able to prepare data in order to support the Court when the Court examines, hears and decides cases. Registrars must be able not only inside, but also outside, open mind. We must understand the Constitutional Court Decisions, but we must have a comparison with the Constitutional Court decisions of other countries.

When the Constitutional Court is 18 years old, the Constitutional Court's Decisions amounted to more than 3 thousand decisions. With that number of decisions, what can we all remember? What are our findings in the Constitutional Court Decision, what can we remember? Judges change according to the period of tenure of judges. Thus, judicial consistency must be maintained. As there is a term living constitution, a living constitution. The Constitutional Court oversees this living constitution.

Regarding human resources, for example, the Constitutional Court places qualified graduates from various disciplines. For example, for Constitutional Court researchers, they are not only graduates of constitutional law, but also graduates of other disciplines. Because the problems in the Court's trial have broad aspects, not only the legal field. There are health, education, marriage, environmental and other problems. In addition, the Constitutional Court innovated on the Constitutional Court's Procedural Law in line with the ever-evolving technology. Supporting units through the Clerk of

the Constitutional Court must be able to efficiently carry out their duties and provide optimal support.

Final, what are your hopes for the Constitutional Court, who is now 18 years old?

Hopefully, the Constitutional Court can carry out and realize its role as The Guardian of the Constitution, then interpret the constitution through its decisions, of course it has become a necessity for the Constitutional Court to be able to produce fair decisions based on Belief in the one and only God.

The Constitutional Court is the front line, it could also be the last line of hope for people to protect their constitutional rights. People come to the Constitutional Court not only those who have the potential to have their constitutional rights violated due to the enactment of a law. But he has the experience of being harmed by the enactment of a law, factually. So that applicants in the Constitutional Court are people who have problems, moreover the Constitutional Court Law allows individuals to submit applications to the Constitutional Court. Thus, the Constitutional Court has indirectly carried out the constitutional complaint.

In the future, hopefully the Constitutional Court will be more upright, the Constitutional Court will be able to maintain its independence, its supporting units will also be stronger, capable of providing maximum service. So that the decisions of the Constitutional Court become the foundation of hope for justice seekers. ■

NANO TRESNA A./LULU ANJARSARI P.

M. GUNTUR HAMZAH

SECRETARY GENERAL OF CONSTITUTIONAL COURT

18 YEARS OLD: CONSTITUTIONAL COURT, ELECTRONIC BASED JUSTICE

Entering the age of 18, many changes experienced by the Constitutional Court (MK). In order to know the changes and developments that occurred, the Editor of KONSTITUSI Magazine met the Secretary General of the Constitutional Court M. Guntur Hamzah. Here are the results of our interview.



What are the developments experienced by MKRI during these 18 years?

Many developments have occurred over the past 18 years, including the strengthening of both judicial and general administrative support as a supporting system. Coordination is an important key for the supporting system to support the functions and authorities of the Constitutional Court, including services to the public and constitutional judges.

This development also occurred because the Court took advantage of the development of information and communication technology and encouraged the use of an electronic-based case management system. The use of technology also ease for staff within the Constitutional Court to carry out their work. This has a good impact on the acceleration of the Constitutional Court's services to the community and also the constitutional judges.

So, now the Constitutional Court is currently implementing an electronic-based case management system. If in the executive field, the Government announces the use of the Electronic-Based Government System (SPBE), then the Court applies the same thing; Electronic-Based Justice System. Thus, the Constitutional Court supports the government's efforts launched by President Joko Widodo regarding digital transformation in all business processes of ministries and state institutions.

Thank God the Court has taken steps to get there from the start. Moreover, the Constitutional Court was guided by the vision of "Enforcing the Constitution through a Modern and Trusted Court". This eases at the policy level and at the execution level because they have the same mindset, namely how to encourage and build the Court as a modern and accountable or trusted judicial institution.

The use of this system also shows results with reduced errors that are usually done using manual systems. Furthermore, related to cases, it can be accelerated, for example by e-minutation of cases that were previously resolved in months, now on the same day or a maximum of three days can be completed.

Then, are there challenges faced by the Constitutional Court?

Of course, there are challenges that the Court has faced for 18 years. The meaning of the challenge is different from the problem so that there are solutions that can be taken. One of the challenges, for example, is the use of digital electronic systems. The challenge is not in its use, but in making it a knowledge management of the Court as a whole. So, it means how to make electronic data or digital data into knowledge management. We already have all the data that has been detected electronically, of course, this will ease to provide information to the public. The

question is, how do these existing data speak for the benefit of making policies at the Constitutional Court? This is the challenge.

But now, the Constitutional Court already has various integrated applications, such as SIMPP, SIKD (Dynamic Archive Information System) which is integrated with SIBANGGALAN, SIMJAB, e-SOP, and others. Like e-SOP, in the future, the Court is trying to get an international ISO, so currently the SOP is being worked out to match what employees do with standard operating procedures. It can be said that we are trying to build management ecosystems, such as public administration and judicial ecosystems.

What is the hope for Constitutional Court?

The Constitutional Court is still in the stage of developing judicial technology because the application of digitization in the Constitutional Court has only reached 40%. If you look at the German Constitutional Court, it has implemented digital transformation. The application is completely online. Judges no longer read documents manually but are completely digital. So, I hope that the Constitutional Court can achieve the remaining 60% of digital transformation in various aspects.

Lastly, I quote Steve Jobs, "Be friendly with technology. Don't fight technology. Whoever opposes technology will be crushed by technological developments. ■"

VERDICT LIST IN AUGUST 2021

No	Case Number	Subject	Petitioner	Verdict
1	25/PUU-XIX/2021	Material Examination of Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission against the 1945 Constitution	<ol style="list-style-type: none"> 1. The Indonesian Anti-Corruption Society (MAKI), represented by Boyamin bin Saiman (as coordinator) and Komaryono (as deputy); 2. Indonesian Law Enforcement and Oversight Institution (LP3HI), represented by Arif Sahudi (as chairman) and Kurniawan Adi Nugroho (as vice chairman); 3. The Indonesian Servant of Justice Society Harmony Institute (KEMAKI), represented by Marselinus Edwin Hardian (as Chair) and Roberto Bellarino Raynaldy Hardian (as Secretary). 	Withdrawn
2	28/PUU-XIX/2021	Material Examination of Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission against the 1945 Constitution	Hotman Tambunan, Rasamala Aritonang, March Falentino, Novariza, Andre Dedy Nainggolan, Lakso Anindito, Faisal, Benydictus Siumlala, and Tri Artining Putri	Withdrawn
3	1/SKLN-XIX/2021	Application for Dispute on the Authority of State Institutions on the Second Amendment to Law Number 21 of 2001 concerning Special Autonomy for Papua between the Papuan People's Assembly and the West Papuan People's Assembly against the President of the Republic of Indonesia	<ol style="list-style-type: none"> 1. Papuan People's Council (MRP), as Petitioner I; and 2. West Papuan People's Assembly (MRPB), as Petitioner II. 	Withdrawn
4	18/PUU-XIX/2021	Material Examination of Article 33 paragraph (3) and Article 37 of the 1945 Constitution of the Constitution	Muhamad Taufiq	The Constitutional Court is Not Authorized

5	22/PUU-XIX/2021	Material Examination of Law Number 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering against the 1945 Constitution	Auriga Nusantara Foundation and Kaoem Telapak Association	Withdrawn
6	30/PUU-XIX/2021	Material Testing of Law Number 11 of 2020 concerning Job Creation against the 1945 Constitution	Moch Ojat Sudrajat S	Withdrawn
7	35/PUU-XIX/2021	Material Examination of Law Number 30 of 2014 concerning Government Administration of the 1945 Constitution	Moch Ojat Sudrajat S	Withdrawn
8	36/PUU-XIX/2021	Material Examination of Law Number 14 of 2008 concerning Public Information Disclosure of the 1945 Constitution	Moch Ojat Sudrajat S	Withdrawn
9	2/PUU-XIX/2021	Material Examination of Law Number 42 of 1999 concerning Fiduciary Guarantees against the 1945 Constitution	Joshua Michael Djami	Rejected the appellant's application on the whole
10	7/PUU-XIX/2021	Material Examination of Law Number 37 of 2008 concerning the Ombudsman against the 1945 Constitution	Hendry Agus Sutrisno	Rejected the appellant's application on the whole
11	10/PUU-XIX/2021	Material Examination of Law Number 4 of 1996 concerning Mortgage Rights on Land and Objects Related to Land against the 1945 Constitution	Sri Bintang Pamungkas	Rejected the appellant's application on the whole
12	11/PUU-XIX/2021	Material Review of Law Number 24 of 2003 concerning the Constitutional Court as amended by Law Number 8 of 2011 concerning Amendments to Law Number 24 of 2003 concerning the Constitutional Court against the 1945 Constitution	Herifuddin Daulay	Rejected the appellant's application on the whole
13	34/PUU-XIX/2021	Material Examination of Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission against the 1945 Constitution	Muh. Yusuf Sahide	Rejected the appellant's application on the whole

PUTUSAN PERKARA HASIL PEMILIHAN KEPALA DAERAH SELAMA AGUSTUS 2021

No	Case Number	Subject Matter of the Case	Appellant	Verdict
1	141/PHP.BUP-XIX/2021	Dispute Over the Results of 2021 Labuhanbatu Regent Election	Andi Suhaimi Dalimunthe and Faizal Amri Siregar	Rejected the appellant's application on the whole
2	146/PHP.GUB-XIX/2021	Dispute Over the Results of South Kalimantan Governor Election in 2021	Denny Indrayana and Difriadi	Unacceptable
3	148/PHP.BUP-XIX/2021	Dispute Over the Results of Pesisir Selatan Regent Election in 2021	Hendrajoni and Hamdanus	The Constitutional Court is Not Authorized
4	147/PHP.BUP-XIX/2021	Dispute Over the Results of Boven Digoel Regency Regent Election 2020	Martinus Wagi and Isak Bangri	Unacceptable



Chief Justice Deputy of the Constitutional Court Aswanto was a speaker in the National Webinar in the context of the 36th Postgraduate Anniversary of Sam Ratulangi University Manado, Friday (23/07). Photo: Public Relations/ Bayu.

CONSTITUTIONAL JUDGE TALKING ABOUT HUMAN RIGHTS TO DEMOCRACY

While talking about human rights, of course, it is related to the basic rights inherent in every individual, including Indonesian citizens. The embodiment of the human rights of Indonesian citizens is contained in the constitution. As guardians of the constitutional rights of citizens, Constitutional Court Justices in their duties continue to provide basic and sustainable understanding regarding constitutional awareness of every level of society. From July to August 2021, in various webinar activities, the constitutional judges discussed various legal topics related to the basic rights of every citizen in the life of the nation and state.

The Understanding About Human Right From The Perspective of Ethic and Moral

When studying ethics, morals, and human rights, there is a spirit of the times in which there is a main study in the form of human rights. Because in simple terms, morality is a standard of norms and ethics is a standard of behavior. So if you talk about it, it cannot be separated from the discussion about human rights itself. This was the initial presentation of the material by the Deputy Chairperson of the Constitutional Court Aswanto in a webinar held by the University (23/7/2021).

Through a presentation entitled "Ethics, Morals, and Human Rights,"

Aswanto invited the webinar participants to examine one by one the basic understanding of morals, ethics, basic rights, and human rights in a more comprehensive manner. According to Aswanto, ethics gives bad and good judgments which are determined by morals so that morals are the determinants of good and bad things. These two things, continued Aswanto, will later become a knife in reviewing norms for human rights.

Furthermore, Aswanto said that human rights from an ethical and moral perspective can be divided into two, namely the existence of human rights and basic rights. Human rights in the scope of ethical and moral studies are rights that originate from God Almighty. Thus, human rights will be attached to a person since he was born into the world. Meanwhile, basic rights are

rights that are obtained from being a citizen of a country. From an ethical and moral perspective, these rights must be granted by the state properly and correctly while respecting the principle of citizens' rights as human beings. Therefore, basic rights are contained in the constitution used as a guide in determining the constitutional rights of citizens.

Regarding these basic rights, Aswanto explained that the nature of basic rights is domestic. As an illustration, Aswanto provides a description of the basic rights contained in the constitution in Indonesia, starting from the 1945 Constitution, the 1949 RIS Constitution, the 1950 Constitution, to returning to the 1945 Constitution. The constitution also contains basic rights and human rights as written in Article 28A to Article 28J of the 1945

Constitution which has been amended. In order to guard the course of these rights, the Government must guard the moral enforcement guaranteed in the constitution. "To ensure that these basic rights run well, the government is the one to regulate them," said Aswanto.

This webinar forum was also attended by other presenters such as the Head of BPKP Representative for North Sulawesi Province, Setya Nugraha with presentations on material entitled "Socialization of the Integrity Zone" and Acting. Director General of Disease Prevention and Control of the Ministry of Health Maxi R. Rondonuwu with a discussion review entitled "Covid-19 Virus Pandemic as an Opportunity for National Health System Reform."

Judicial Review to Maintain Democracy and Constitution

Constitutional Justice Saldi Isra was a resource person for the Virtual Opening of the Student Practicum Activities of the Faculty of Law, Mahaputra Muhammad Yamin University (UMMY) Solok, West Sumatra, on Saturday (24/7/2021). Saldi delivered a material entitled "The Judicial Practice of the Constitutional Court".

At the beginning of the presentation, Saldi Isra explained the different positions of the Constitutional Court and the Supreme Court in the Indonesian constitutional system. Saldi explained, MA has existed since the independence of the Republic of Indonesia. Starting from independence to constitutional changes, Indonesia adheres to a single chamber judicial power like in the United States, there is no Constitutional Court and only Supreme Court. After the amendment to the 1945 Constitution, a new power holder emerged, namely the Constitutional Court. Article 24 of the 1945 Constitution explicitly states that judicial power is exercised by a Supreme



Court with judicial bodies under it and by a Constitutional Court.

Saldi continued, according to Article 24C of the 1945 Constitution, the Constitutional Court has the authority to examine laws against the Constitution, both formally and materially. Now the authority of the Constitutional Court has been expanded, not only to examine laws, but also Government Regulation in Lieu of Law can be tested to the Constitutional Court. This authority is intertwined with the interests of safeguarding democracy and the constitution. The dynamics of democracy are built on the existence of judicial review.

Furthermore, Saldi discussed the importance of forming the Constitutional Court. In the minutes of amendments to the 1945 Constitution on the substance of judicial power, one of the hot topics discussed at that time was the accumulation of cases in the Supreme Court. There are many people's concerns about the accumulation of cases in the Supreme Court. The process of changing the constitution took place amid these concerns. Finally, the constitutional amendments agreed to create another chamber, the holder of judicial power outside the Supreme Court. After surveying several places, the choice

fell to form the Constitutional Court. The reason is that there is a French Constitutional Court, a South Korean Constitutional Court, and a German Court which are separate from the Supreme Court. Finally, it was agreed that the Constitutional Court of the Republic of Indonesia was formed on August 13, 2003.

Constitutional Justice Saldi Isra delivered a virtual lecture at the Opening of the Student Practicum Activities of the Faculty of Law, Mahaputra Muhammad Yamin University (UMMY) Solok, Saturday (7/24/2021).

The Procedural Law of Constitutional Court

Chairman of the Constitutional Court (MK) Anwar Usman was a resource person in the XV Batch of Special Education for Professional Advocates (PKPA) in collaboration between the West Jakarta Peradi DPC and the Faculty of Law (FH) Bhayangkara University, Greater Jakarta (UBHARA JAYA) on Sunday (25/7) /2021) afternoon.

Starting his material, Anwar said that advocates have higher, broader, and deeper authority. He said it was an opportunity to worship.



Ketua MK Anwar Usman menjadi pembicara dalam kegiatan Pendidikan Khusus Profesi Advokat yang diselenggarakan oleh Peradi Jakarta Barat kerja sama dengan Fakultas Hukum Universitas Bhayangkara Jakarta Raya, Minggu (25/07) secara virtual. Foto Humas/Ifa.

"I often say when someone carries out his profession as anything with the intention of worshipping, the reward will continue to flow. And vice versa, for example, an advocate hides a fact, then what is obtained is a sin, as is the case with a judge," said Anwar in front of 40 online PKPA participants.

On that occasion, Anwar explained about the Constitutional Court's Procedural Law. Anwar said, in the past the founders of this country wanted the Great Hall (a term that was proposed by the makers of the Constitution). The Great Hall, which is now the Supreme Court, is proposed to have the authority to review laws. But Soepomo refused on the grounds that the constitution that was drafted did not adhere to the *trias politica* and not many legal scholars have experience.

Chief Justice of the Constitutional Court Anwar Usman was a speaker at the Special Advocate Profession Education activity organized by Peradi West Jakarta in collaboration with the Faculty of Law, Bhayangkara University, Greater Jakarta, Sunday (07/25) virtually. Photo: Public Relations/Ifa.

"There were not many legal scholars at the time and judges were not designed to examine laws. Thus, the request to establish

a law-examining agency was cancelled. If in the past, for example, the proposal for the Supreme Court to had the authority to examine the law against the Constitution, then the Constitutional Court is no longer needed because it has become the duty and authority of the Supreme Court," said Anwar.

According to Anwar, the Constitutional Court was born after an amendment was made when the reforms demanded changes to the 1945 Constitution including Article 24. When the Constitutional Court came, the Constitutional Court was authorized to adjudicate at the first and final levels whose decisions are final. "This is where the decision of the Constitutional Court is final and by article 29 paragraph 1 of Law Number 48 of 2009 concerning judicial power," explained Anwar.

Anwar further said that Article 24C Paragraph (1) of the 1945 Constitution states that the Constitutional Court has the authority to adjudicate at the first and final level whose decisions are final to review the Act against the 1945 Constitution, to decide on disputes over the authority of state institutions whose authority is granted by the Constitution, to decide on the dissolution of political parties and decide disputes over election results.

Meanwhile, in Article 24C Paragraph (2) of the 1945 Constitution, continued Anwar, the Constitutional Court is obliged to give a decision on the opinion of the House of Representatives regarding alleged violations by the President and/or Vice President according to the Constitution. He added that the Constitutional Court has additional authority in Article 157 (3) of Law 10 of 2016 concerning Regional Head Elections, namely the Court to resolve regional election disputes until the formation of a special judicial body.

In addition, Anwar said that the petition for judicial review includes formal and/or material examinations. Material examination is the examination of the Act with regard to the material content in paragraphs, articles, and/or parts of the Law which are considered contrary to the 1945 Constitution. While the formal examination is the examination of the Law relating to the process of forming the Law and other matters that are not included in the material examination as referred to in paragraph (1). referred to in paragraph (2). ■

NANO TRESNA ARFANA/UTAMI ARGAWATI/LULU
ANJARSARI P/SRI PUJIANTI



TECHNICAL GUIDANCE OF THE CONSTITUTIONAL COURT: FROM PROCEDURAL LAW TO THE TECHNIQUES FOR LEGISLATION DEVELOPMENT

Constitutional Justice Enny Nurbaningsih when giving material in the event of Technical Guidance (Bimtek) of Legal Testing Procedures for the Association of Procedural Law Lecturers of the Constitutional Court (APHAMK) held by the Constitutional Court (MK) virtually on Wednesday (4/8). Photo: Public Relation/Teguh PR.

The Constitutional Court has the authority to examine the law against the 1945 Constitution. Every citizen whose constitutional rights have been violated can test the detrimental norm to the Constitutional Court. In this role, the Constitutional Court not only increases the means in increasing the awareness of citizens' constitutional rights, but also expands the knowledge of those involved in the role of fighting for the constitutional rights of these citizens. Through technical guidance on procedural law and technical preparation of academic texts and laws and regulations, the Constitutional Court Justices provide various materials related to this matter.

Association of Procedural Law Lecturers of the Constitutional Court (APHAMK) Learn Procedural Law of the Constitutional Court

The second day of the Technical Guidance (Bimtek) of Legal Procedural Law Testing for the Association of Procedural

Law Lecturers of the Constitutional Court (APHAMK) was held by the Constitutional Court (MK) virtually on Wednesday (8/4/2021). A number of speakers were present to explain various materials including Constitutional Justice Enny Nurbaningsih who delivered the material on "The Constitutional Court and the Characteristics of the Procedural Law of the Constitutional Court".

Enny Nurbaningsih at the beginning of the presentation said that the Constitutional Court's authority

was granted by Article 24 of the 1945 Constitution. In this article, judicial power is not only exercised by the Supreme Court, but also by the Constitutional Court. Enny continued, according to Article 24C of the 1945 Constitution, the Constitutional Court has the authority to examine laws against the Constitution, both formally and materially. Formal examination is related to the process of law formation. Material review is a judicial review of laws relating to the substance and content of laws

that are deemed to be contrary to the 1945 Constitution. The Constitutional Court is also authorized to decide on the constitutional authority of state institutions. The next authority of the Constitutional Court is to decide on the dissolution of political parties and decide disputes over election results. Meanwhile, the obligation of the Constitutional Court is to give a decision on the opinion of the DPR regarding alleged violations of the President or Vice President according to the 1945 Constitution.

The event was also attended by Jimmy Z Usfunan with material on Constitutional Interpretation and Constitutional Justice Suhartoyo with material on the Procedural Law of the Constitutional Court on Judicial Review of the 1945 Constitution of the Republic of Indonesia. This technical guidance activity was held for four days on Tuesday – Friday (3 – 6/ 8/2021). The technical guidance, which was attended by 120 online participants, discussed the testing of the law and its procedural law.

Legal Drafting technical guidance: From Judicial Review to the Establishment of Legislation

The Constitutional Court (MK) in collaboration with the Ministry of Law and Human Rights (Kemenkumham) and the Association for Teaching Constitutional Law and State Administrative Law (APHTNHAN) held Legal Drafting Technical Guidance (Bimtek) Batch I. The opening of the technical guidance was held virtually on Monday (7/26/2021). Chief Justice of the Constitutional Court Anwar Usman as the keynote speaker of this activity said that the purpose of implementing this Legal Drafting Technical Guidance is to refresh our memories of drafting laws and regulations both in formal and material terms.

In addition, from the substantive point of view, the most important thing in Anwar's view is to aim at fulfilling the principles of humanity (humanity), social justice (social justice), divine

values and unity (value of religious and unity), as well as the principles of mutual understanding, understanding, tolerance, as the values outlined in Pancasila. "So that the preparation of the legal draft, in addition to having benefits and certainty, also fulfills a sense of justice for all people," said Anwar.

For the Constitutional Court, Anwar continued, every statutory regulation that is drafted is not expected to end in the process of judicial review at the Constitutional Court, by being canceled in its entirety, or in part because it does not meet the formal and material aspects in the drafting process.

"We all hope that the laws and regulations that are drawn up and produced have fulfilled the community's sense of justice and are in accordance with the goals of the nation and state as outlined in the preamble of the 1945 Constitution in the fourth paragraph. The mechanism for reviewing laws in the Constitutional Court should be placed as the last door that aims to balance between branches of state power or checks and balances between



Chief Justice of the Constitutional Court Anwar Usman when giving a Key Lecture and opening the Legal Drafting Technical Guidance event in collaboration between the Constitutional Court and the Ministry of Law and Human Rights and APHTN-HAN Batch I at the Pancasila and Constitutional Education Center Monday (26/7). Photo: Public Relations MK/ HENDY's photo.

states organs as well as protect citizens' constitutional rights, said Anwar.

Designing Legal Drafting

While Plt. Head of the Center for Pancasila and Constitutional Education, Imam Margono said that currently the Constitutional Court is interested in harmonization of laws and regulations. The Court designed a legal drafting activity, in collaboration with the Ministry of Law and Human Rights and APHTNHAN. The purpose of this activity is expected to be able to provide education to the participants regarding the legal products of the Constitutional Court, comprehensive harmonization of laws and regulations, to the aspects of preparing academic texts and the correct technique of drafting laws and regulations.

Big regulation

Furthermore, the Director General of Legislation at the Ministry of Law and Human Rights, Benny Riyanto, said that in the current era of globalization, competition between countries is getting tougher and more competitive. One of the supports for this competition is the establishment of good and quality laws and regulations that can be implemented well in the community.

"Indonesia is one of the countries that so far has a very high number of laws and regulations compared to other countries, especially with neighboring countries. As it is known, the number of laws and regulations in Indonesia continues to increase every year, even though we know that Indonesia adheres to a civil law system. Thus, the consequence is that there is a law-making institution," explained Benny.

APHTN-HAN, Bayu Dwi Anggono said that this activity was held for the excellent cooperation between the Constitutional Court, Ministry of Law and Human Rights, APHTN-HAN. The participants of this activity are lecturers who are members of

the management and members of APHTN-HAN from all over Indonesia. The 80 people of participants have reflected the percentage from various regions in Indonesia. The spread of the participants' regions of origin shows the existence of inclusiveness. Inclusiveness is important because the Constitutional Court and the Ministry of Law and Human Rights are shared property, said Bayu.

Thus, Bayu revealed that the involvement of many academics from various universities is a real practice of intellectual friendship, both to the Constitutional Court and the Ministry of Law and Human Rights.

"I believe that this excellent activity will foster a sense of belonging to the Constitutional Court and the Ministry of Law and Human Rights," said Bayu.

Procedural Law of Judicial Review

The Second Day of Legal Drafting Technical Guidance (Bimtek) Batch I for teachers of constitutional law and state administrative law was held by the Constitutional Court (MK) virtually on Tuesday (7/27/2021). At the beginning of the presentation, Constitutional Justice Saldi Isra said the figure of John Marshall as an influential judge in the United States related to the Marbury vs Madison case (1803). During Marshall's tenure as Chief Justice of the United States Supreme Court, more than 1,100 decisions were made. During that time, no judge has submitted a dissenting opinion in the decision of the United States Supreme Court. The period during which Marshall took office is considered a period that united the divisions in the United States.

Saldi then responded to matters related to judicial review. Have we ever started to think that the practice of judicial review that grows in the United States arises from how judges interpret the constitution? If you read the text of the United States Constitution, at least up to the decision of the Marbury

vs Madison Case, there is no text in the United States Constitution that mentions the authority of the Supreme Court to examine laws against the Constitution, said Saldi.

Unlike in Indonesia, Saldi continued that the authority to examine laws against the Constitution (UUD) does not arise because of legal interpretation. But it arose because there was an article in the 1945 Constitution that ordered the Constitutional Court to conduct a judicial review of the constitution.

I hope that researchers can begin to examine the implications for judicial review decisions themselves, between the authority to examine laws against the Constitution arising from the interpretation of judges and constitutional orders to examine laws against the Constitution, Saldi hoped.

Furthermore, Saldi explained about the five powers of the Constitutional Court of the Republic of Indonesia which was established on August 13, 2003. Starting from the authority to examine laws against the Constitution, to decide on disputes over the constitutional authority of state institutions, to decide on the dissolution of political parties, to decide disputes over election results, and to submit the opinion of the House of Representatives regarding allegations violation by the President and/or Vice President according to the Constitution.

The Crown of Constitutional Court

On this occasion, Saldi focused more on the authority to examine laws against the Constitution. The authority to examine laws against the Constitution is very interesting because the crown of the Constitutional Court is the judicial review, said Saldi.

Saldi continued, according to Article 24C of the 1945 Constitution, the Constitutional Court has the authority to examine laws against the Constitution, both formally and materially. Formal



Constitutional Justice Saldi Isra was the speaker of the Legal Drafting Technical Guidance (Bimtek) Batch I for teachers of constitutional law and state administrative law which was held virtually, Tuesday (27/07). Photo: Public Relations/Teguh.

examination is related to the process of law formation. Material examination is a judicial review relating to the substance, content of the law which is considered to be contrary to the 1945 Constitution.

Regarding the trial of the Constitutional Court, said Saldi, those who can file as Petitioners at the trial are individual citizens, customary law community units, public or private legal entities, and state institutions. Then regarding the granting of power of attorney for the trial of the Constitutional Court, the appellant and or the Respondent can be accompanied or represented by a legal attorney. Meanwhile, public or private legal entities can be accompanied by a power of attorney or appoint a power of attorney. Lawyers in the Constitutional Court's trial do not have to be advocates. The essence is to provide convenience to access to justice for people who cannot afford to pay advocates. In addition, in the Constitutional Court it is known that there are assistants who understand the Constitutional Court's Procedural Law, as long as they can help the principal's interests by making a statement to the Constitutional Court.

Regarding the systematic application, said Saldi, it consists of

the identity of the Petitioner, the Court's Authority, legal position, *posita*, and *petitum*. Applications for litigation to the Constitutional Court can be made offline or online.

While the trial stage in the Constitutional Court starts from a preliminary examination session or a panel trial consisting of three judges, namely the chief judge who is concurrently a member and two other judges as members. The obligation of the panel of judges is to provide advice to the Petitioner. After that, there is a trial for the revision of the application. If the trial continues, it can be forwarded to a plenary session in the form of evidence from witnesses, experts, and finally to the hearing for the pronouncement of the verdict.

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the form of evidence from witnesses, experts, and finally to the hearing for the pronouncement of the verdict.

Politics of law

The next speaker was the Secretary of the Directorate General of Legislation, Priyanto with the subject of Legal Politics in the Formation of Legislation in Indonesia. Priyanto explained that legal politics is actually a state policy related to the *ius constitutum* or positive law currently in force in Indonesia. In addition, it is related to the *ius constituendum* or the law that we aspire to, which is expected for the future.

Therefore, the content of legal politics is actually law formation, law enforcement and law enforcement, said Priyanto.

As stated by Priyanto, the substantive issues in the formation of regulations include regulatory obesity and policies to streamline the types of legislation, hierarchy of laws and regulations, types of laws and regulations, the position of circulars as well as internal regulations and SKB, types of regulations that can be enacted. and those who are not, and Pancasila as the source of all sources.

Priyanto invited all of us to implement Pancasila as the source of all sources of state law. Pancasila as a philosophical, sociological and juridical basis that can be included in academic texts or academic studies, sections, articles, or paragraphs in regulations. The principles of the formation of regulations and the content of the regulations so that they do not conflict with the basic values of Pancasila, both formally and substantially. In addition, there is harmonization of regulatory texts using the benchmarks of the basic values of Pancasila and the principles of statutory law.

Furthermore, Priyanto said, there are three foundations in the formation of laws and regulations, namely the philosophical basis. It considerations

that illustrate that the regulations formed take into account the views of life, awareness, and legal ideals which include an atmosphere of mysticism and the philosophy of the Indonesian nation originating from Pancasila and the Preamble to the 1945 Constitution.

Next, the sociological basis is the consideration illustrating that the regulations are formed to meet the needs of the community in various aspects. In addition, there is a juridical basis. It is considerations that illustrate that regulations are formed to overcome legal problems or fill legal voids by considering existing rules, which will be changed, or which will be revoked in order to ensure legal certainty and a sense of justice for the community.

The Interpretation of Constitution

The next speaker, I Dewa Gede Palguna, who had served as a Constitutional Court Justice for two periods. Palguna presented the material on the Interpretation of the Constitution. As explained by Palguna, the most common understanding regarding the interpretation of the constitution is an activity that includes an understanding of the methods or strategies provided for people who are trying to resolve disputes regarding the meaning or application of the constitution.

This is a general understanding of the interpretation of the constitution. But from there, what we get is that the interpretation of the constitution is one way to elaborate the meanings contained in the constitution, said Palguna.

Therefore, continued Palguna, the interpretation of the constitution is not just an activity to match an event or a thing or a certain situation with the articles or provisions in the constitution. The interpretation of the constitution is more than that, because it seeks to elaborate on the meanings contained in

the constitution. Thus, the interpretation of the constitution is a mechanism to find out or ascertain whether the constitution has actually been implemented in practice in accordance with the meanings contained in it and the objectives to be realized by the constitution.

While the constitution, said Palguna, as mentioned by an expert named K.C. Wheare, is the resultant of a parallelogram of various political, economic, social forces that worked at the time of the adoption of the constitution. Therefore, the constitution has a relatively static nature and is not easy to change. So, the constitution always needs improvement.

Palguna continued, in countries that adhere to constitutional supremacy, the authority to interpret the constitution is given to the court, regardless of whether the court is separate, namely the Constitutional Court or what is called by another name or an ordinary court but also has the authority as the Constitutional Court. In other words, in these countries the principle of judicial supremacy applies in the interpretation of the constitution. This means that only the interpretation made by the court has

binding legal force and is final. While the constitution, said Palguna, as mentioned by an expert named K.C. Wheare, is the resultant of a parallelogram of various political, economic, social forces that worked at the time of the adoption of the constitution. Therefore, the constitution has a relatively static nature and is not easy to change. So, the constitution always needs improvement.

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Constellation of Legislation

The Legal Drafting Technical Guidance (Bimtek) Batch I on the third day, Wednesday (28/7/2021) raised various materials regarding laws and regulations. The speakers who attended



Nuryanti Widyastuti, SH, MM, Sp.N., Director of Facilitation of the Drafting of Regional Regulations and Guidance of Drafters of Legislation at the Ministry of Law and Human Rights when giving material in the Legal Drafting Technical Guidance in collaboration between the Constitutional Court and the Ministry of Law and Human Rights and APHTN-HAN Batch I online, Wednesday (28/7). Photo: Public Relations of Constitutional Court/Hendy.

the technical guidance event were the Director of Facilitation for the Design of Regional Regulations and Development of Legislative Designers, Nuryanti Widyastuti, who presented the material "Types, Hierarchies, Functions and Materials of Legislation".

Starting the meeting, Nuryanti explained the meaning of the laws and regulations. "Law regulations are written regulations that contain legally binding norms in general and are formed or determined by state institutions or authorized officials through the procedures stipulated in the legislation," said Nuryanti.

If we look at the definition of legislation, said Nuryanti, there are four important points, namely written regulations, containing legally binding norms in general, formed or determined by state institutions or authorized officials, and through procedures set out in laws and regulations.

As for the function of legislation, in this case Laws and Government Regulations in Lieu of Laws, the aim is to carry out further regulation of the provisions in the 1945 Constitution which expressly mention it. Then further regulation in general the basic rules in the articles of the body of the 1945 Constitution. This includes arrangements in the field of relations between state institutions and relations between citizens/residents.

Nuryanti also explained the principles for the formation of laws and regulations, in accordance with Article 5 of Law no. 12 of 2011 concerning the Establishment of Legislation. The principles for the formation of good laws and regulations include clarity of purpose, proper forming institutions or officials, compatibility between types, hierarchies and content material. Then it can be implemented, has usability and effectiveness, clarity of formulation, and openness.

Meanwhile, the content of the legislation, said Nuryanti, according to

Article 6 of Law Number 12 of 2011 contains the principles of protection, humanity, nationality, kinship, archipelago, diversity in diversity, justice, equality in law and government, order and legal certainty, and / or balance, harmony, and harmony.

Furthermore, in accordance with Article 7 of Law Number 12 of 2011, Nuryanti continued, the types and hierarchies of laws and regulations in Indonesia start from the highest position, namely the 1945 Constitution of the Republic of Indonesia, then the Decree of the People's Consultative Assembly, Laws and Regulations. Government Regulations in Lieu of Laws, Government Regulations, Presidential Regulations, Provincial Regulations, and Regency/City Regional Regulations.

Pseudo Legalization

The next speaker was Head of Sub-Directorate for Planning and Preparation of Draft Legislation, Muhammad Waliyadin presented the material "Pseudo Legislation/Pseudolaw". Waliyadin explained, pseudo legislation is a regulation by the relevant government organs without having a legal basis that expressly gives authority to the organ.

Pseudo legislation can also be interpreted as the authority to interfere in organizing the public interest. So what are the quasi-legislative requirements? First, all legislation must not conflict with statutory regulations.

"The next condition is that pseudo-legislation is formed in urgent circumstances to carry out general government duties. In addition, pseudo-legislation can be accounted for ethically and morally," said Waliyadin.

Thus, pseudo legislation appears from the outside as if it were an ordinary rule as is the case with statutory regulations known for their type, form and order. It is called pseudo legislation because it resembles

statutory regulations, but is not actually legislation. Pseudo-legislation is made by the relevant government organ, which means pseudo-legislation is formed, issued or made by government agencies or state administrative bodies, both at the central and regional levels, which carry out general government tasks.

Pseudo legislation is not based on a statutory provision that expressly authorizes the government to establish or publish it. This means that pseudo-legislation does not need to mention the basis of considerations that expressly ordered the formation of such legislation. The granting of the authority to issue pseudo-legislation is a doctrine in governance law which asserts that a government organ is allowed to have the implicit authority to formulate policy rules in the context of carrying out general government duties.

Harmonization of Legislation

The next speaker, Designer and Head of Sub-Directorate for Harmonization of the Industrial and Technological Sector, Widyastuti attended with the material "Harmonization of Legislation". Talking about the harmonization of laws and regulations, Widyastuti said that it is stated in the Regulation of the Minister of Law & Human Rights Number 20 of 2015 Jo. Permenkumham Number 40 of 2016 concerning Procedures and Procedures for Harmonization, Unification, and Consolidation of the Conception of Draft Laws and Regulations.

"The legal basis is the whole process in the formation of legislation," said Widyastuti.

However, Widyastuti added, Law no. 12 of 2011 and its implementing regulations do not explicitly provide an understanding of the procedures and procedures for harmonization, unanimity

and consolidation of the conception of draft laws and regulations. In Law no. 12 of 2011 a new harmonization process emerged, who carried out the procedure when the bill was submitted by the House of Representative and also a bill from the ministry/institution to the regional regulations.

Widyastuti emphasized that in Law no. 12 of 2011 in Article 46 paragraph (2) only mentions that the harmonization of the House of Representative Bill is coordinated by the DPR's apparatus which specifically handles the field of legislation. Meanwhile, Article 47, Article 54, and Article 55 of the a quo Law state that the harmonization of bills from the President is coordinated by the minister who carries out government affairs in the legal field.

The understanding of the procedures for harmonization, unanimity and consolidation of the conception of the new draft legislation appears in the Regulation of the Minister of Law and Human Rights Number 20 of 2015 *jo* regulation of Law and Human Right Ministry Number 40 of 2016.

Consolidation of the Conception of Draft Laws and Regulations, hereinafter referred to as Harmonizing the Conception of Draft Laws and Regulations, is the process of harmonizing the substance of the Draft Legislation and the technique of drafting Laws and Regulations, so that they become Laws and Regulations which are a unified whole within the framework of the national legal system," explained Widyastuti.

The last session of technical guidance was closed with a presentation by the Director of Harmonization of Legislations, Roberia who presented the material on "Development of Legal Norms". Roberia provides an explanation of the stages of designing norms. According to Roberia, accuracy and accuracy in language are needed by a designer in drafting a draft regulation in order to avoid the emergence of various kinds of confusion, ambiguity,

misinterpretation, and so on. Accuracy when designing the initial draft, making revisions, cross-checking, consulting to refining.

The stage of designing norms includes the architectural design stage, namely the stage of making an outline of the draft regulation or grouping of materials, so that the design is arranged logically and systematically, and overall, the draft regulation is an integral system between its articles. Next, knowing the spirit and intend, seeking complete information, understanding the existing reality and the desired changes. Ensuring that the regulations to be drafted lead to the desired changes. This includes research roles and academic/study manuscripts.

The next stage of designing norms is the composition stage. At this stage, Roberia, said that writing from the language of legislation requires a high level of accuracy and as far as possible is freed from the designer's emotional elements. Finally, there is the conceptual stage as the conception of content material, processing, discussion of substance or regulatory content material.

Roberia also touched on the issue of discretion. Article 1 Number 9 of Law

no. 30/2014 concerning Government Administration, discretion is a decision and/or action that is determined and/or carried out by government officials to overcome concrete problems faced in the administration of government in terms of laws and regulations that provide choices, do not regulate, are incomplete. Discretion is also defined as freedom to decide as long as it does not violate the principles of legality and juridicality.

Academic Writing Techniques

Legal Drafting Technical Guidance (Bimtek) Batch I For the lecturers of Constitutional Law (HTN) and State Administrative Law (HAN) on the fourth day, they still present competent speakers in their fields. The Head of the National Legal Planning Center, Djoko Pudjirahardjo, who was present as a resource person, presented the material for the Engineering of Academic Manuscripts. Before explaining the core material regarding academic texts, Djoko first revealed the condition of the legislation in Indonesia which is still hyper-regulated or regulatory obesity.



Head of the National Legal Planning Center, Djoko Pudjirahardjo when giving material at the Legal Drafting Technical Guidance event in collaboration with the Constitutional Court and the Ministry of Law and Human Rights and APHTN-HAN Batch I Online, Thursday (7/29). Photo: Constitutional Court's PR/Teguh.

According to President Jokowi, such conditions hinder the running of the government and need improvement and evaluation of the obesity regulation. Regulatory arrangements are a priority for legal reform. For example, by carrying out several policy steps and evaluating all laws and regulations, from the center to the regions, from the highest to the lowest, said Djoko.

Especially with the revision of Law no. 12 of 2011 concerning the Establishment of Legislation and Law no. 15 of 2019 concerning Amendments to Law No. 12 of 2011. Through this revision, it was agreed that there would be an analysis and evaluation of the laws and regulations. Because so far, the stages of the formation of legislation only include planning, drafting, discussing, ratifying or stipulating, and enacting. Meanwhile, the implementation, implementation practice, implementation of laws and regulations has never existed such an analysis, evaluation, monitoring, review of the implementation of laws and regulations.

Djoko explained, monitoring and review are activities to observe, record, and assess the implementation of the applicable laws so that the planned results, impacts, and benefits for the Unitary State of the Republic of Indonesia (NKRI) are known.

In addition, said Djoko, there is a strengthening of the formation of laws and regulations related to effective planning strategies in strengthening the quality of laws and regulations. In this case, it includes the implementation of the National Legislation Program and the preparation of academic manuscripts. This includes the creation of an integrated database.

Academic Paper

Speaking of Academic Papers, Djoko explained, it is defined as a text of the results of research or legal studies and the results of research or other studies on a certain problem that can

be justified scientifically regarding the regulation of the problem in a Draft Law (RUU), Draft Regional Regulation (Raperda).) Province or Regency/ Municipal Raperda as a solution to the problems and legal needs of the community.

Preparation of Academic Papers is prepared at the planning stage in the formation of legislation. Compilation of Academic manuscripts are carried out when there are manuscripts of research results or legal studies, and there are manuscripts of research results or other studies.

So, who composes the Academic Paper? As delivered by Djoko, Article 43 of Law no. 12 of 2011 paragraph (1) states that the Draft Law can come from the House of Representative or the President. Then in paragraph (3,) it is stated that the Draft Law originating from the House of Representative, the President, or the Regional People's Representative Assembly must be accompanied by an Academic Document.

Furthermore, Article 44 paragraph (1) of Law no. 12 of 2011 states that the preparation of the Academic Paper of the Bill is carried out in accordance with the technique of preparing the Academic Paper. In paragraph (2), the provisions regarding the technique of preparing Academic Papers as referred to in paragraph (1) are listed in Appendix I which is an integral part of this law. While Article 47 paragraph (1) of Law no. 12 of 2011 states that the bill proposed by the President is prepared by the minister or the head of a non-ministerial government agency in accordance with the scope of duties and responsibilities.

Furthermore, Djoko mentioned the function of the Academic Manuscript is as a discussion document. Academic Papers will provide direction to stakeholders and facilitate discussions. Academic Papers also function as policy documents. Academic Manuscripts are portraits or maps of various matters related to the legislation to be published. It also functions for stakeholders,

especially those who occupy positions as policy makers, will receive adequate information in making decisions.

Next, Academic Papers serve as material for harmonization of draft laws and regulations with positive law. As for the designer, it will function as a reference for the material to be regulated and subsequently translated into the language of the legislation that does not overlap.

Legislation Drafting Techniques

After the presentation of the material from Djoko Pudjirahardjo, it continued with the material on Drafting Legislation Techniques from the speakers from the Directorate General of Legislation, Ministry of Law and Human Rights. The participants of the technical guidance were divided into five online classes.

There was a speaker, Muhammad Waliyadin, as the Head of Sub-Directorate for Planning and Preparation of Draft Legislation, explaining about Language, Choice of Words/Terms, and Techniques for Referring to Legislative Regulations. Waliyadin explained, the language of legislation is basically subject to the rules of Indonesian grammar, both word formation, sentence structure, writing techniques, and spelling. However, the language of laws and regulations has its own style which is characterized by clarity of understanding, straightforwardness, standardization, harmony, and adherence to principles in accordance with legal requirements, both in formulation and writing methods.

Furthermore, Widyastuti, as the Designer of Legislation and concurrently Head of the Harmonization Sub-Directorate for Industrial and Technological Affairs, explained the Special Matters and Language Variety of Legislative Regulations. Widyastuti discussed starting from the systematic preparation of laws and regulations, delegation of authority and others.

Meanwhile, speaker Mukhamim as the Designer of the First Legislation and concurrently Head of the Sub-Directorate of Material Facilitation and Analysis explained the Process of Forming Legislation.

The fifth day of technical guidance which is the last day of the Legal Drafting Training/Technical Guidance Batch I, will be filled with training materials for the preparation of legislation and training results seminars. After that, the closing ceremony of the technical guidance was held.

Harmonization of Legislation

Closing of Legal Drafting Technical Guidance (Bimtek) Batch I which was held online, was officially led by Plt. Head of the Center for Pancasila and Constitutional Education, Imam Margono on Friday (11/30/2021) afternoon.

"Initially, Mr. Aswanto as the Deputy Chief justice of the Constitutional Court was originally the one who would close and give a speech at this technical guidance activity. However, he could not attend because it coincided with the plenary hearing of the verdict at the Constitutional Court, explained Imam.

Imam conveyed that the Constitutional Court through the Pancasila and Constitutional Education Center carried out various activities that involved elements of the community, including advocates, political parties, community organizations, professional organizations, women's organizations, customary law communities, NGOs, teachers, students, Indonesian national army, Police and others, with various forms and methods of activity. Imam also mentioned the importance of this guidance on legal drafting.

In carrying out its function as a Constitutional Guard, the Constitutional Court has an interest in the harmonization of laws and regulations in the 1945 Constitution of the Republic



Videotron display of the Pancasila and Constitutional Education Center Hall in the Legal Drafting Technical Guidance event in collaboration between the Constitutional Court and the Ministry of Law and Human Rights and APHTN-HAN Batch I, Friday (30/7).

of Indonesia. It includes efforts to improve the quality of the preparation of laws and regulations, both regionally and nationally, explained Imam.

Knowledge and Competence

Meanwhile, Director of Facilitation for the Design of Regional Regulations and Development of Legislative Designers, Nuryanti Widayastuti, said that the implementation of the First Batch of Legal Drafting Bimtek was carried out to increase knowledge and competence in the field of forming laws and regulations.

Through the five-day technical guidance, it is expected that it can improve the performance of employees within the Constitutional Court so that they can contribute more to the Constitutional Court. As for the lecturers of Constitutional Law and State Administrative Law, the technical guidance is expected to increase knowledge related to the formation of laws and regulations, so that it becomes material for students.

Nuryanti hoped that all participants of legal drafting guidance and technology can really understand the design task in the formation of laws and regulations

and the preparation of other legal instruments so that they can contribute to realizing better and quality laws and regulations.

The Technical Guidance (Bimtek) of Legal Drafting Batch I for Lecturers of Constitutional Law and State Administrative Law was held in collaboration between the Constitutional Court (MK) and the Ministry of Law and Human Rights (Kemenkumham) and the Association of Lecturers of Constitutional Law and State Administrative Law (APHTN-HAN). The technical guidance activity took place from 26-30 July 2021 which was filled with material exposure from the resource persons. Starting from the resource person, Constitutional Justice Saldi Isra, I Dewa Gede Palguna, who for two terms served as Constitutional Justice. This includes resource persons who are competent in the field of drafting and formulating laws and regulations from the Directorate of Laws and Regulations of the Ministry of Law and Human Rights. Participants in the technical guidance are lecturers who are members of the management and members of APHTN-HAN from all over Indonesia. ■

(NANO TRESNA ARFANA/UTAMI ARGAWATI/LULU ANJARSARI P/NUR R)



Chief Justice of the Constitutional Court Anwar Usman was the speaker for the Gathering and National Tausiah activity which was held at the Mataram Mayor's Office Hall, on Thursday (19/08). Photo: Public Relations/Supreme.

CONSTITUTIONAL COURT VISITED WEST NUSA TENGGARA

After a long period of hibernation using communication technology, the Constitutional Court has again carried out a constitutional visit. On this occasion, the Chief Justice of the Constitutional Court Anwar Usman made a visit to the West Nusa Tenggara region. With the implementation of strict health protocols, these constitutional guards moved to the location to start institutional gatherings.

The Difference of Law Enforcement and Justice Enforcement

Chief Justice of the Constitutional Court (MK) Anwar Usman was a resource person at the National Gathering and Tausiah event with the theme "National Law Arrangement for a Progressive and Just Indonesia, Reflections on Handling Legal Cases at the Constitutional Court", on Thursday night (8/19/2021). The event, which was held at the Mataram Mayor's Office Hall, was attended by the Mayor of Mataram H. Mohan Roliskan, Chairman of the Mataram City Regional

People's Representative Assembly, Didi Sumardi, and 40 participants.

On that occasion, Anwar explained the obligations of the Constitutional Court and the Supreme Court (MA) and the ranks below them based on the post-amendment Constitution (UUD). Anwar emphasized that the Constitutional Court and the Supreme Court not only enforce the law, but also uphold justice. According to Anwar, this is also confirmed in the Qur'an Surah An-Nisa' verse 58 which commands humans to punish fairly, not just punish according to the rules.

"Law enforcement is not always the same as justice. Enforcing the law does not necessarily enforce justice.

Therefore, the highest court is the court of the heart, because justice can be felt by the heart" explained Anwar.

Furthermore, Anwar described the authority of the Constitutional Court granted by the 1945 Constitution in judicial review (UU). Anwar stated that a law which was the result of the work of 575 members of the House of Representatives together with the President assisted by his ministers which was discussed for months, could be declared by the Constitutional Court to be contrary to the constitution only by the request of a citizen who felt that his constitutional rights had been violated due to the enactment of a law.

The next authority of the Constitutional Court granted by the 1945 Constitution is to decide on the dissolution of political parties. Anwar said that in the past there were political parties that were asked by the President to dissolve themselves. After the amendment to the 1945 Constitution, the dissolution of a political party can only be carried out in the Constitutional Court with a request submitted by the President.

The Constitutional Court also has the authority to decide disputes over the authority of state institutions whose authority is stated in the 1945 Constitution. For example, if the President issues a rule on cassation, that authority is the authority of the Supreme Court.

The fourth authority possessed by the Constitutional Court is to decide disputes over general election results. The final authority of the Constitutional Court is to decide on the opinion of the DPR, that the President and/or the Vice President have violated the Constitution.

Anwar said that impeaching the President and/or Vice President is very difficult. According to him, before being submitted to the Constitutional Court, the House of Representative must convene in the presence of two-thirds of all members of the House of Representative, and two-thirds of the House of Representative members present give their approval. After stating that the opinion of the President and/or Vice President is guilty, then the DPR submits it to the Constitutional Court to be assessed whether the opinion is proven. If the President and/or Vice President is found guilty of violating the Constitutional Court, the legal decision will be decided by the People's Consultative Assembly in accordance with applicable regulations.

Anwar in his presentation also revealed several decisions of the



Chief Justice of the Constitutional Court Anwar Usman together with the Chancellor of the University of Mataram, Lalu Husni, after giving a key lecture on the activities held by the Student Representative Council, Friday (20/08) in Mataram. Photo: Public Relations/Agung.

Constitutional Court in upholding social justice. Among others, in the decisions of the Water Resources Law, the APBN Law which regulates the education budget, the BPJS Law, and several other laws. However, like the Supreme Court and the judicial institutions below it, the Court can only adjudicate if a case is entered.

Law and Justice Must Be Enforced Intertwined

One of the powers of the Constitutional Court (MK) is to examine laws (UU) against Constitution (UUD). To date, more than 1500 laws have been passed by the Court.

This was conveyed by Chief Justice of the Constitutional Court Anwar Usman when he was a keynote speaker at the 2021 Legislative Training event with the theme "Giving Young Legislators with Democratic and Visionary Insights in Facing the Covid-19 Pandemic". This activity was organized by the

University of Mataram (Unram) Student Representative Council (DPM) on Friday (20/8/2021) at the Unram Auditorium. Activities are held offline and online. Unram Chancellor Lalu Husni, Head of the Mataram City DPRD Didi Sumardi and a number of Unram academics attended offline. Then about 200 participants took part in online activities.

Furthermore, Anwar said, in the context of what is happening today when we are being hit by the Covid-19 pandemic, as has been experienced by many countries around the world, the constitution as a basic law must still be a guide for every state administrator. Precisely in the midst of the Covid-19 pandemic, the attention and intention of state administrators in upholding the constitution as a basic law must be further increased. Because in the condition of the Covid-19 pandemic, the people need protection from state officials so that the outbreak does not result in greater casualties and losses.

According to Anwar, one of the main contents of the constitution is the protection of the constitutional rights of citizens. Thus, in the conditions of the Covid-19 pandemic, many citizens' constitutional rights must be protected. This is clearly stated in the Preamble to the 1945 Constitution, the fourth paragraph concerning the ideals and objectives of the establishment of a state government, namely to protect the entire Indonesian nation and the entire homeland of Indonesia.

"It means, there is no other interpretation of the purpose of establishing a government of a country, other than aiming to protect every citizen under any conditions and against anyone who can harm their constitutional rights as citizens," said Anwar.

Furthermore, Anwar explained the authority of the Constitutional Court. Anwar said that the Constitutional Court had extraordinary powers and

responsibilities. The mandate of Article 24 Paragraph (1) of the 1945 Constitution affirms that the function of judicial power is to uphold justice, not merely to enforce written laws. Other provisions, for example, are found in Article 28D Paragraph (1) of the 1945 Constitution concerning the right to obtain legal certainty, and Article 28H of the 1945 Constitution which stipulates that the law must be built on the basis of justice and benefit.

"This emphasizes the necessity to uphold law and justice in an interconnected manner," explained Anwar.

The Constitutional Court's authority as regulated in Article 24C of the 1945 Constitution is to examine laws against the Constitution, to decide on disputes over the authority of state institutions whose authority is granted by the Constitution, to decide on the

dissolution of political parties, and to decide on disputes over the results of the general election. Then, the Constitutional Court has an obligation to decide on the opinion of the House of Representative regarding alleged violations by the President and/or Vice President according to the Constitution. In addition, the additional authority entrusted to the Constitutional Court is to decide cases concerning disputes over the results of regional head elections.

Until now, Anwar explained, the two powers of the Constitutional Court that have never been carried out are the dissolution of political parties and the impeachment of the President and/or Vice President. Anwar hopes that these two powers will not be carried out. This does not mean that the Constitutional Court avoids it, but if this authority is not exercised, it is an indication or a positive signal that the political and democratic process in the country is still running according to the corridors.

Pancasila in line with Islamic teachings

Chairman of the Constitutional Court (MK) Anwar Usman opened the Musabaqah Tilawatil Qur'an (MTQ) activity at the Lewintana Village Level, Soromandi District, Bima Regency, West Nusa Tenggara, on Saturday (21/8/2021) night. This activity was attended by Bima Mayor H. Muhammad Lutfi, Bima City Police Chief AKBP Haryo Tejo Wicaksono, Dompu District Police Chief AKBP Syarif Hidayatullah, Lewintana Village Head Hidayat, as well as religious and Lewintana community leaders.



Chairman of the Constitutional Court Anwar Usman opened the Musabaqah Tilawatil Qur'an at the Lewintana Village Level, Soromandi District, Bima Regency, West Nusa Tenggara, on Saturday (8/21). Photo: Public Relations/Agung.

After opening the event, Anwar delivered a key lecture with the theme "Islam and the Constitution". Anwar in his lecture said that Pancasila, which has become the nation's philosophy and source for the values contained in the constitution, is actually *ijtihad* of Muslim leaders during the struggle for independence. In fact, many figures and scholars have stated that Pancasila is the greatest gift from Muslims and Islamic leaders to this Republic. We certainly still remember the history of the formation of Pancasila, which was originally called the Jakarta Charter. At that time, the first precept read, "God Almighty with the obligation to carry out Islamic law for its adherents".

The formulation of the first precepts of Pancasila, ultimately omitted seven words, "with the obligation to carry out Islamic law for its adherents". This is in order to maintain the unity and integrity of the nation, as well as respect and respect other Indonesian citizens from non-Muslim religious groups. This great spirit of Muslims is considered by many to have a very high national value. In fact, the formulation of the values of Pancasila which became the basis of the constitutional norms, by Muslim scholars, has similarities with the Hudaibiyah Agreement at the time of the Prophet Muhammad SAW.

The Hudaibiyah agreement was made in 628 AD, when the Muslims who lived in Medina wanted to perform the pilgrimage in the Baitullah of Mecca. The Quraysh of Mecca at that time had not yet embraced Islam, so they assumed that the arrival of Muslims from Medina to Mecca was aimed at attacking the Quraysh.

The meeting of the Muslims from Medina and the Quraysh in Mecca was

what eventually led to the making of the Hudaibiyah agreement. The Muslims from Medina, represented by the Prophet Muhammad and the Quraysh in Mecca, represented by Suhail bin Amr, conducted very tough negotiations. Prophet Muhammad SAW in conducting negotiations, was very gentle and wise. Even the gentleness of the Prophet Muhammad by some friends, was considered too loose and relented. Even though at that time, with the large number of Muslims and trained war troops, it was not difficult for the Muslims of Medina to subdue the Quraysh in a short time by means of violence. However, the Prophet Muhammad, prefers to be gentle, patient and relent in negotiating.

When the agreement was about to begin with the sentence, "Bismillahirrahmanirrahim" (in the name of Allah, the Most Gracious, the Most Merciful), this sentence is not approved by Suhail on the grounds that, the name "rahman and womb" was not a name known to his people from the Quraysh, so the sentence it changes to, "bismikallahumma" (in Your name Ya Allah). Likewise, when the agreement was about to be agreed upon by both of them, Suhail rejected the phrase "Muhammad Rasulullah" because the Quraysh at that time did not recognize that Muhammad was the Messenger of Allah, so the sentence was changed to "Muhammad bin Abdullah".

The gentleness of the attitude and patience of the Prophet Muhammad SAW, this in the end brought a very big wisdom. One of the great lessons is that the *da'wah* of Islam to all corners of the Arab country becomes easy to spread. If at that time the use of force and violence was carried out during

negotiations, it would certainly have a bad impact on the *syiar* and spread of Islam.

Likewise, the Pancasila negotiations are carried out by Muslim leaders at that time. Although the number of people is the majority, but because of the spirit of unity and nationality, Muslims do not hesitate to give in for the realization of a sense of togetherness as fellow children of the nation.

If Pancasila is viewed from the point of view of the Islamic religion, then in fact the values contained in each of the Pancasila precepts are in line with the values contained in the teachings of Islam. The first precept, "Belief in One Supreme God", is in line with the teachings of Tawhid as stated by Allah SWT in the Qur'an Surah Al-Ikhlâs. The second precept, "Just and civilized humanity", is in line with the word of Allah SWT in the Qur'an Surah An-Nisa verse 135.

The third precept, "Indonesian Unity", is in line with the words of Allah SWT in the Qur'an Surah Al-Hujurat verse 13. The fourth precept, "Democracy led by wisdom in representative deliberation", is in line with the words of Allah SWT in the Al-Qur'an. Al-Qur'an Surah Asy Shuro verse 38. The fifth precept, "Social justice for all Indonesian people", is in line with the word of Allah SWT in the Qur'an Surah An-Nahl verse 90 which reads, "Indeed Allah commands you to be fair and do good." ■

AGUNG SUMARNA/NUR R.



IMPLEMENTATION OF INDEPENDENCE CELEBRATION TO THE ROLE STATE

Deputy Chief Justice of the Constitutional Court Aswanto and other Constitutional Justices together with the Secretary General of the Constitutional Court M Guntur Hamzah, and the Registrar of the Constitutional Court Muhidin attended an online Commemoration Ceremony of the Second of the Proclamation of the 76th Anniversary of the Independence of the Republic of Indonesia, Tuesday (8/17) at the Constitutional Court Building. Photo: Public Relations/Ifa.

August is a month that becomes a meaningful time for the Constitutional Court and the Republic of Indonesia. This month, the Constitutional Court commemorates the institution's anniversary, while the Republic of Indonesia also commemorates independence day.

Chief Justice of the Constitutional Court and Constitutional Justices Joint the 76th Anniversary Ceremony of the Republic of Indonesia

Chairman of the Constitutional Court (MK) Anwar Usman and constitutional judges attended the Commemoration Ceremony of the Proclamation of the 76th Anniversary of the Independence of the Republic of Indonesia (RI) on Tuesday (8/17/2021). Anwar attended the ceremony in person at the Merdeka Palace, while eight constitutional judges

accompanied by the Clerk of the Constitutional Court Muhidin and the Secretary General of the Constitutional Court M. Guntur Hamzah attended online from the Constitutional Court Building.

During the ceremony, President Joko Widodo (Jokowi) who wore traditional Lampung clothes became the ceremony inspector. The procession to commemorate the 76th Independence Day of the Republic of Indonesia was held by implementing strict health protocols. In addition to wearing masks and keeping a distance, participants or limited ceremonial equipment will also undergo a health check first.

Quoted from the Ministry of State Secretariat's website, the

commemoration in the context of the 76th Anniversary of Indonesian Independence this time carried the theme "Resilient Indonesia, Growing Indonesia". This theme describes the values of resilience, an unyielding spirit to keep moving forward together in a challenging path in order to achieve a better future.

"Resilient Indonesia/*Indonesiaa Tanggung*, Growing Indonesia/*Indonesia Tumbuh*, we can achieve by working hand in hand, hand in hand, and working together towards one goal. Tough in the face of the pandemic, tough through various tests, and continue to grow in reaching the nation's goals. May God Almighty always bless and facilitate the efforts of the Indonesian people

to achieve the Advanced Indonesia that we aspire to. Longevity Republic of Indonesia! Happy Pancasila Country! Independent!" Jokowi said as quoted from his official Instagram account @jokowi.

Commemoration of the Seconds of the Proclamation of Independence of the Republic of Indonesia began with the report of the ceremonial commander and the sound of cannons blasting seventeen times from the direction of the National Monument Park accompanied by the sound of a long siren. In the ceremony, acting as the ceremony commander on this occasion was Colonel Pnb. Putu Sucahyadi, who graduated from the Air Force Academy in 1999, currently serves as Asops Kosekhanudnas II Makassar.

As the inspector of the ceremony, President Jokowi led the participants of the ceremony, both those who were present in a limited manner at the location and those who attended virtually for a moment of silence. Meanwhile, the Minister of Religion

Yaqut Cholil Qoumas guided the reading of the prayer.

For information, the Chairperson of the House of Representatives (DPR) Puan Maharani read the text of the Proclamation which was proclaimed 76 years ago by the Proclaimer and first President of the Republic of Indonesia Soekarno, as a sign of Indonesia's liberation from the shackles of colonialism.

The ceremony was also attended by a number of leaders of high state institutions who were present directly at the commemoration ceremony, namely the Chair of the MPR Bambang Soesatyo, the Chair of the DPR Puan Maharani, the Chairperson of the DPD La Nyalla Mattalitti, the Chairperson of the Supreme BPK Firman Sampurna, the Chairperson of the Supreme Court Muhammad Syarifuddin, the Chairperson of the Constitutional Court Anwar Usman, the Chairperson of the Supreme Court. KY Jaja Ahmad Jayus, Minister of Religion Yaqut Cholil Qoumas, TNI Commander Marshal Hadi Tjahjanto,

and National Police Chief General Listyo Sigit Prabowo. The Pusaka Flag-Raising Troops (Paskibraka) joined in the Tangguh Indonesia Team were entrusted with flying the Red and White flag at the Commemoration Ceremony of the Proclamation of Independence of the Republic of Indonesia at the Merdeka Palace.

Maintaining the Spirit of Independence Amid the Pandemic

Constitutional Justice Arief Hidayat attended the inauguration of the Joint Secretariat Office and the launching of the Podcast Channel for the Alumni Family Association of the Faculty of Law, Diponegoro University (IKA FH Undip) on Tuesday (17/8/2021) afternoon in Jakarta. This event was also attended by the General Chairperson of IKA FH Undip Ahmad Redi and all levels of management as well as a number of



Constitutional Justice Arief Hidayat attended the inauguration of the Joint Secretariat Office and the launching of the Podcast Channel for the Alumni Family Association of the Faculty of Law, Diponegoro University, on Tuesday (8/17). Photo: Public Relations/Hendy.

officials from the Undip Faculty of Law, both offline and online.

"I wish Republic of Indonesia Happy 76th anniversary. May Allah Subhanahu wa Taala have mercy on and give rapid progress to the Indonesian people according to the country's goals as stated in the Preamble to the 1945 Constitution. On this very happy occasion, let us pray and be grateful to Allah SWT in the midst of the Covid-19 pandemic which has almost lasted for two years, we are still given health, safety, can gather together in an extraordinary emotional bond through the IKA forum. FH (law faculty) Undip," said Arief as Chairman of the IKA Honorary Board of FH Undip.

Arief said, with the new management of IKA FH Undip, the progress achieved by IKA FH Undip is growing so rapidly. Arief was proud and thanked the IKA FH Undip administrators who were able to develop activities well. Both of those who graduated from the S1 and S2 programs.

"On this happy occasion, I am very grateful that in the midst of the Covid-19 pandemic, friends from the IKA FH Undip management were able to open a joint secretariat office with good facilities," said Arief.

Arief also invited the ranks of IKA FH Undip to always inflame Diponegoro's spirit, namely the spirit of serving the small people, homeland and nation. Arief also hopes that IKA FH Undip can develop a podcast channel that is able to share Diponegoro's spirit to raise the spirits of state leaders in the midst of various transnational ideologies, ideologies that are contrary to Pancasila.

Arif added that podcast will be filled with friends who can channel the aspirations of Indonesian law, laws based on Pancasila and democracy, laws that serve the welfare of the homeland and nation.

For information, through IKA FH Undip, alumni are expected to

contribute to the law faculty as a form of partnership. For example, in research projects, research, and studies on the world of law. In addition, alumni can also take part in community service.

Making Peace with Pandemic

After the inauguration of the Joint Secretariat Office and the Launching of the IKA FH Undip Podcast Channel, Arief Hidayat was asked to be a resource person for the IKA FH Undip Podcast guided by host Wilma Silalahi as Secretary of the IKA FH Undip Honorary Council. In the interview "Episode I: Special Rechtgressive Prime Podcast", Arief was asked among other things about the meaning of the spirit of independence in dealing with the Covid-19 pandemic situation.

Arief explained that the spirit of independence that can be done now is to make peace with the Covid-19 pandemic. In a sense, both from yourself, your family, the environment, you must follow government rules through health protocols (prokes) to deal with Covid-19. Such as wearing masks, washing hands, maintaining physical distance, avoiding crowds, limiting mobility.

In the interview, Arief also said the idea and background for the establishment of the IKA FH Undip podcast. Arief explained, now is the era where social media is so free with various news, not all of which carry the truth. Not a few social media spread misinformation or hoax news. So according to Arief, anyone must establish communication through correct information.

Arief explained, misinformation because it is often broadcast repeatedly, is considered by the community as the truth. Based on this, Arief then asked his friends from IKA FH Undip to create a podcast channel for IKA FH Undip to provide understanding and learning to the community.

The Role of Nagari in Building Constitutionalism

Center for Constitutional Studies (PUSaKO) Faculty of Law Andalas University (Unand) in collaboration with the Constitutional Court (MK) held the XIII Constitutional Week on Friday (20/8/2021). This event was officially opened by Constitutional Justice Saldi Isra and was also attended by the Secretary General of the Constitutional Court M. Guntur Hamzah, Head of Public Relations and Domestic Cooperation of the Constitutional Court Fajar Laksono S., Chancellor of Unand Yuliandri, Dean of Faculty of Law Unand Busyra Azheri, Wali Nagari Pasia Laweh Zul Arifin, and Director of PUSaKO Feri Amsari virtually.

In the activity with the theme "Seeding Constitutionalism from Nagari", Saldi in his constitutional oration commented that the structure of the nagari reflects the elements of an independent state. According to him, when talking about constitutions, there are topics about written and unwritten constitutions as well as unwritten constitutions that are preserved in daily life. While speaking of constitutionalism, it is related to the spirit of the constitution. So, said Saldi, in constitutionalism there is an understanding of how far the constitution can provide signs or boundaries regarding state management. Meanwhile, the existence of the nagari is the smallest unit that explains the design of the concept of the state.

Citing some findings from western experts, Saldi mentioned that aspects of the nagari in Minangkabau are similar to the polis in ancient Greece. Meanwhile, in the context of the state element, the nagari from its structure reflects the element of an independent state. That the nagari has an area with clear administrative boundaries, a number of residents, and a clear organizational structure. In the nagari, Saldi revealed



that there is also an executive body or so-called wali nagari, a legislative body or a nagari representative body, and there is also a judicial element.

"So, it is not wrong if western writers, specifically anthropologists, say that the nagari is similar to the polis in ancient Greece. This element persists and brings the nagari to the designation of the state by the founders of the state because the nagari actually reflects the form of state management in the smallest unit," said Saldi.

Furthermore, Saldi said, based on Article 18 of the 1945 Constitution before the amendment, it was stated that the founding fathers of the country put the peculiarities of the regions as a meeting point on how to design the relationship between the central and regional governments. Thus, diversity and uniqueness such as the Nagari concept are not eliminated. Because, Saldi explained the spirit of managing the country is diversity that existed long before independence was proclaimed.

In line with the topic of today's activity, Saldi also welcomed the election of one of the nagari in West Sumatra as the Constitutional Nagari or Constitutional Village. Saldi hopes that the nagari can be an example for other villages in improving their understanding of the constitution. In addition, Saldi

also invited related parties, such as the Faculty of Law Unand, PUSaKO, and various West Sumatra researchers to begin writing seriously how the nagari contribute to building the democratic system in Indonesia.

Different Competition

On this occasion, Secretary General of the Constitutional Court M. Guntur Hamzah also gave a speech in activities that have been routinely held by PUSaKO in an effort to build understanding of the constitution in students. Guntur said that this Pekon XIII activity was the thirteenth time the community had been waiting for the activity. Although it is acknowledged that last year this activity was stopped due to the uncertain situation due to the Covid-19 pandemic, in 2021 this activity will be carried out with a different climate. The entire series of competitions is held online with participants participating accompanied by supervisors from the residence or school of each participant.

"Although the competition climate is different because it is held online, the spirit and substance are maintained. Through this activity, the planting of the principle of constitutionalism can

Constitutional Justice Saldi Isra delivered a keynote speech at the opening of Constitution Week XIII Faculty of Law Andalas University, as well as commemorating 70 Years of Faculty of Law Andalas University and the awarding of Nagari Constitution to Nagari Pasia Laweh, Friday (20/08/2021). Photo: Public Relations/Illham WM.

still be carried out and we need to increase our sensitivity to care about the constitution. Because the challenges of state constitutionalism in the future will be more diverse," said Guntur

For information, this annual activity was held for 3 days (Friday – Sunday, 20 – 23/8/2021) which was attended by selected students from high school spread across 3 provinces, namely West Sumatra, Riau, and Jambi. In this activity, the participants competed in the Constitutional Debate competition, Scientific Writing Competition (LKTI), and Constitutional Speech. This activity was also held in conjunction with the 70th Anniversary of the Faculty of Law, Andalas University and the awarding of Nagari Constitution to Nagari Pasia Laweh, Palupuh District, Agam Regency, West Sumatra. ■

UTAMI ARGAWATI/NANO TRESNA ARFANA/ SRI
PUJIANTI /LULU ANJARSARI P/NUR R



The Constitutional Court held a virtual socialization of the 2021 Public Service Policy and the 2020 Public Service Evaluation Results, on Friday (23/07). Photo: Public Relation/Bayu.

PUBLIC SERVICE POLICY SOCIALIZATION IN 2021

THE CONSTITUTIONAL Court (MK) held a Public Service Policy Socialization for 2021 and the Results of the Evaluation of Public Services for 2020 on Friday (23/7/2021) afternoon. Present as a speaker, Martina Simanjuntak as Policy Analyst from the Ministry of Administrative Reform and Bureaucratic Reform (Kemenpan RB).

"I will explain the general description of the aspects of evaluating public services which are actually the same as in previous years, using the Ministerial Regulation of PAN and RB Number 17 of 2017," said Martina who presented the material "Aspects of Evaluation of Public Services Based on Ministerial Regulation Number 17 Year 2017 concerning Guidelines for Performance Assessment of Public Service Provider Units".

Martina explained that public service is an activity or series of activities in the context of fulfilling

service needs in accordance with statutory regulations for every citizen and resident of goods, services, and/or administrative services provided by public service providers.

The purpose of evaluating public services, Martina said, departed from general problems in public services that are felt on a daily basis from employees. For example, population services, financial services and other services provided by the government. "Public services at the Constitutional Court are rather specific, so it is necessary to identify potentials that need to be improved in the future," explained Martina.

Martina also explained about excellent service as a quality, fast, easy, affordable, and measurable service provided by service providers to recipients. Martina explained that excellent public service cannot be separated from eight elements, namely

change management, public services, supervision, accountability, institutions, management, ASN human resources, deregulation. All of these aspects are the targets of bureaucratic reform in 2020 to 2024.

Regarding public services, the Ministry of Empowerment of State Apparatus and Bureaucratic Reform had carried out various transformations from 2004 to 2009 which became the forerunner to the issuance of Law no. 25/2009 on Public Services and is now being used as a reference in the process of improving public services. In addition, there is PP No. 96/2012 concerning the Implementation of Law no. 25/2009 as well as the Implementing Regulations of Law no. 25/2009 which includes the preparation and determination of Service Standards (SP), service announcements and IKM surveys. (Nano Tresna Arfana/Lulu Anjarsari P)



SOCIALIZATION OF EFFORTS TO STRENGTHEN MENTAL HEALTH FACING THE COVID-19 PANDEMIC

IT IS necessary for each individual to develop a feeling of calm and comfort in order to create mental health during a pandemic." This is a piece of motivation conveyed by Psychologist Sitti Evangeline Imelda Suaidy in the Mental Health Socialization for Constitutional Justices and Employees in the Registrar's Office and the Constitutional Court. The activity with the theme "Strengthening Mental Health in a Pandemic Period" was held on Tuesday (27/7/2021).

Regarding mental health, Evangeline said that the fortitude that must be seen in oneself during this pandemic is the extent to which a person can endure and overcome what he faces and see and agree with his challenges. The worry that often arises in these times, according to him, is part of a normal life. This can actually help someone prepare everything well. However, he reminded that it is necessary for individuals to be aware of whether these worries are

excessive and/or increasing. If it has entered the uncontrolled stage, then someone needs to consult an expert or professional.

Furthermore, Evangeline also said that managing the mind to stay positive and healthy is something that must be done to overcome various distortions—annoying thoughts that take various forms—in the face of a pandemic or other uncomfortable situation that interferes with mental health. Evangeline asks that each individual needs to recognize this distortion of his mind. One of them is by using socratic question.

"Every individual can ask questions such as What evidence supports right thinking? Are there alternative explanations/other considerations for the situation? What's the worst thing that could happen and how to deal with it? What effect will it have if I believe this thought? If my friend in the same situation had these thoughts, what would I tell him? What do I need

to do/take action to resolve it?" said Evangeline.

This series of questions, Evangeline continued, would distract the mind from focusing only on the sick condition, to the defendant with responses that distract from the bad thoughts that plague a person when he is weak.

"After doing this, it is necessary for us to have basic skills in self-healing by strengthening breathing and body techniques. This activity will train the body's organs to become stronger. Because, what makes body and soul healthy is maintaining physical, emotional, and mental balance to make yourself feel good and healthy. The key to dealing with this pandemic is regular sleep which requires time management in rest and work and there needs to be mind and mental management to be more balanced," explained Evangeline. (Sri Pujianti/Lulu Anjarsari P)



Fajar Laksono Soeroso, Head of Public Relations and Domestic Cooperation, led the selection meeting of the Constitutional Court Decision Infographic Competition, Wednesday (04/08) at the Constitutional Court building. Photo: Public Relations/Bayu.

SELECTION OF WINNERS OF THE CONSTITUTIONAL COURT'S DECISION INFOGRAPHIC COMPETITION

THE CONSTITUTIONAL Court (MK) selects the winners of the Constitutional Court Decision Infographic Competition. The Constitutional Court Decision Infographic Competition was held to commemorate the 18th anniversary of the Constitutional Court on August 13, 2021. The selection of the first stage of the Constitutional Court Decision Infographic Competition aims to ensure that the infographic content contains the Constitutional Court Decision, not other information. In addition, content in the form of infographics can provide a simple picture and understanding for the public of the Constitutional Court's Decision which participants find interesting and even phenomenal. "In the second stage of the competition, the Jury Team for the Infographic Competition of the Constitutional

Court's Decision will give a score of 75 works that pass the second stage of the selection," explained the Head of Public Relations and Domestic Cooperation, Fajar Laksono Soeroso as Head of the Infographic Competition of the Constitutional Court's Decision, on Wednesday (4/04. 8/2021) at the Constitutional Court Building.

The judge team consisted of Art Director Erren Pratama (chairman), Editor in Chief of Online Law Fathan Qorib and Associate Expert Researcher MK Bisariyadi (each a member). In the third stage of selection, Fajar said, the jury chose the six best content as 1st to 3rd place winners, and three favorite works. A total of six content works will be uploaded on the social media accounts of the Constitutional Court on 7-12 August 2021.

As is known, the announcement of the Constitutional Court Decision Infographic Competition will be held on June 14, 2021 through the Constitutional Court's website and the Constitutional Court's Social Media. The competition is open to the general public from all walks of life, except MK employees and their relatives. Then the participants' work will be collected on 15 June 15 July 2021 via google drive and fill out the google form for participants. Furthermore, the judging of the competition will be held on July 23–August 5, 2021. Judging activities will be carried out by the jury team on August 4-5, 2021. Meanwhile, the winners and favorite works of the competition will be announced on August 13, 2021 on the Constitutional Court's Page and Social Media. (Nano Tresna Arfana/Nur R.)



SIKD AWARD FOR THE MOST RESPONSIVE CONSTITUTIONAL COURT WORK UNIT

The Clerk of Constitutional Court Muhidin gave the rotating SIKD Award Trophy to Sigit Purnomo as Plt. Head of Information and Communication Technology Center, Friday (13/08) in the Hall of the Constitutional Court Building. Public Relations/lfa's photo.

ONE of the series of events for the 18th Anniversary of the Constitutional Court is the conferment of the SIKD Award for the Work Unit. The SIKD Award was directly conveyed by the Secretary General of the Constitutional Court M. Guntur Hamzah at the constitutional court 18th Anniversary Tasyakuran event which was held on Friday (13/8/2021) in the 1st floor Hall of the Constitutional Court Building and was followed online by employees.

The Bureau of Public Relations and Protocol occupied the first position as the work unit with the fastest performance response in July 2021. In the previous month, this position was held by the ICT Center. Dynamic Archive

Information System (SIKD) is a system that is used to support the internal performance of the Constitutional Court and is part of the knowledge management of the Constitutional Court. Regarding the use of the SIKD, the Constitutional Court held a SIKD Award for work units.

The SIKD developed by the Constitutional Court now has features that are not only able to show performance responses, but are connected to various applications related to the performance of the Constitutional Court. Several applications, including SIBANGGALAN, e-SOP, Dashboard, and others. According to Guntur, later SIKD will form a judicial technology ecosystem

that will assist the performance of the Court as a whole.

The main purpose of using the SIKD application is to provide archiving services that are easy, fast, effective and efficient. The Registrar and Secretariat General of the Constitutional Court felt a significant change after using the SIKD application in archive management. For example, the amount of paper and printer ink used is drastically reduced (less paper) and the impact is reducing the paper archive storage space so that it is more efficient, the speed of service delivery is more effective, and in terms of data security is safer. (Lulu Anjarsari P/Nur R).



COORDINATION MEETING REGARDING JOIC IMPLEMENTATION

Secretary General M. Guntur Hamzah chaired the Preparatory Coordination Meeting for 2nd Conference of the Judicial Conference of Constitutional and Supreme Courts/Councils of the OIC Member/Observer States, Tuesday (03/08) at the Constitutional Court Building. Public Relations's photo.

THE CONSTITUTIONAL Court of the Republic of Indonesia plans to hold the 2nd Conference of the Judicial Conference of Constitutional and Supreme Courts/Councils of the OIC Member States/Observer States or The 2nd J-OIC Conference with the theme "Human Rights and Constitutionalism: The Contribution of Judiciary in Moslem Countries" on 15-17 September 2021 in Bandung, West Java. This international event was invited by 83 countries/organizations with a blend of online and offline event formats. A total of three countries are planned to attend in person (offline), namely Algeria, Pakistan and Turkey, while the rest will attend the conference online.

The conference is an agreement from the first conference held in Turkey

and resulted in the Istanbul Declaration in 2018. At that time, all participants agreed to hold periodic conferences to promote law enforcement and human rights. Regarding the plan, MKRI held an online J-OIC Conference Preparatory Coordination Meeting on Tuesday (3/8/2021) at the MKRI Building online.

The Preparatory Meeting was chaired directly by the Secretary General of the Republic of Indonesia M. Guntur Hamzah who discussed the technical implementation of the event, including arrangements for the arrival and return of international and domestic guests during the pandemic, procedures for organizing activities according to health protocols and discussing the installation of IT networks. Also present at the meeting, including the Secretary of

the State Ministry of SOEs, Susyanto, Head of the West Java Regional Police Operations Bureau, Kombes Pol. Stephen M. Napiun, Representative of the Central Covid Task Force Plt. Director of Disaster Management System Mohd. Robi Amri, representatives from the Ministry of Foreign Affairs, Kodam III Siliwangi and several representatives from MK partners.

The Meeting Participants welcomed and supported the activities of the 2nd J-OIC Conference while still implementing very strict health protocols. The parties will coordinate with each other to support the smooth running of the event. (Fuad Subhan/Lulu Anjarsari P)



JOIC CONFERENCE DISCUSSION MEETING WITH THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF INDONESIA

The Director General of Asia Pacific and Africa of the Ministry of Foreign Affairs, Abdul Kadir Jailani, conveyed his views in the coordination meeting for the preparation of the JOIC Conference led by the Secretary General of the Constitutional Court, M. Guntur Hamzah, Monday (16/8/2021). Photo: Public Relations/ Ilham WM.

RELATED to the planned activities of the 2nd Judicial Conference of Constitutional and Supreme Courts/ Councils of the OIC Member States/ Observer States-JOIC on 15 – 17 September 2021, the Constitutional Court is back held an International Activities Coordination Meeting on Monday (16/8/2021).

On this occasion, a coordination meeting was held with representatives from the Ministry of Foreign Affairs of the Republic of Indonesia, there are the Director General of Asia Pacific and Africa of the Ministry of Foreign Affairs Abdul Kadir Jailani, Director of Law and Political and Security Agreements Purnomo Achmad Chandra, Director of Intra-Regional and Inter-Regional Cooperation America and Europe Masni Eriza, Director General of America and Europe I Gede Ngurah Swajaya, and Director of Socio-Cultural and International Organizations of Developing Countries Penny D. Herasati.

At the opening of the meeting, M. Guntur Hamzah as chairman of the meeting stated that this activity was motivated by the first conference in Turkey which resulted in the Istanbul Declaration on December 14–15 2018. On that occasion, Guntur revealed, it was agreed to hold periodic conferences to discuss the Constitution and Human

Rights. In addition, the formation of a Working Group between Indonesia, Turkey, Algeria, Pakistan and Gambia to discuss the form and further steps of the international forum for judicial institutions of member countries of the Organization of Islamic Cooperation.

Welcoming this good value plan, the Director General of Asia Pacific and Africa of the Ministry of Foreign Affairs Abdul Kadir Jailani stated that if we wanted to form an organization, it could be done, but with a note as long as it aims to increase cooperation between judicial institutions in countries that are members of the OKI.

“So the forum for cooperation is between institutions or between courts for OKI member countries to hold various activities, such as exchanging views or joint research. So, the form is cooperation that can support each court,” explained Abdul Kadir in a meeting chaired by the Secretary General of the Constitutional Court M. Guntur Hamzah accompanied by the Head of the Public Relations and Protocol Bureau of the Constitutional Court Heru Setiawan in the presence of several representatives from the Indonesian Ministry of Foreign Affairs. online.

Meanwhile, Director of Socio-Cultural and International Organizations

of Developing Countries Penny D. Herasati reminded Constitutional Court of the Republic of Indonesia regarding countries that will participate in and attend this international activity to be able to pay attention to the status and existence of their country. For example, Penny said Syria had been frozen by the OIC since 2012 and had never been invited to the KTN. Therefore, he requested that the MKRI need to carefully and carefully record the status of the 83 countries that will be invited to the event which is planned to carry the theme “Human Rights and Constitutionalism: The Contribution of Judiciary in Moslem Countries”.

It is necessary to know that this conference will be held offline and online on 15-17 September 2021 in Bandung. On offline occasions, the activity will be attended by 5 Working Group countries, including Indonesia, Turkey, Algeria, Gambia, and Pakistan. Meanwhile, a number of 53 other OKI member countries will attend online from their respective countries. In addition, 5 non-OKI AACC member countries and Constitutional Court of the Republic of Indonesia foreign cooperation partners were also present. (Sri Pujianti/Lulu Anjarsari P)



MERIT SYSTEM AND TALENT MANAGEMENT SOCIALIZATION

Sri Hadiati Wara Kustriani Commissioner for Supervision for the Implementation of the Merit System and Talent Management Socialization activity, Monday (12/07). Photo: Public Relations/lfa.

THE CONSTITUTIONAL Court held a Socialization of the Merit System and Talent Management on Monday (12/7/2021). This activity is in the context of the Clean and Serving Bureaucratic Area (WBBM) for the work unit of the Public Relations and Protocol Bureau, the Information and Communication Technology Center, as well as the Pancasila and Constitutional Education Center within the Registrar's Office and the Secretariat General of the Constitutional Court.

The Commissioner for Supervision for the Implementation of the Region I Merit System at the State Civil Apparatus Commission (KASN), Sri Hadiati Wara Kustriani, presented the material on the Merit System: Efforts to Create Professional ASN. Sri started by

explaining Indonesia's position in several global indicators.

Talking about the merit system, the professionalism of the State Civil Apparatus or ASN in our bureaucratic environment, like it or not, these indices will show the position of our nation in the international world. "This will be a determining factor for investments that will enter Indonesia," said Sri at the event which was attended by structural and functional officials of the Constitutional Court as well as employees of the Constitutional Court.

Sri explained that the 2019 corruption perception index (indicator) was Indonesia's position at 85, indicating a decline from the previous year. Sri hopes that in 2020, Indonesia's ranking will be better. Indonesia's

corruption perception index lags far behind Singapore, in 4th place. However, the corruption perception index in Indonesia is better than the Philippines at 113, Thailand at 101. Sri added that this is a task for Indonesia.

Sri explained, the merit system is a policy and management of state civil apparatus based on qualifications, competence, and performance in a fair and reasonable manner without distinguishing political, religious, racial or ethnic factors. Merit system affects several indices. It can be seen from the correlation between meritocracy and various indices. (Nano Tresna Arfana/Nur R.)

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