

E-MAGAZINE **KONSTITUSI**

Conventional & Internet Broadcasting



TV



OTT

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Editorial Greetings

Session after trial continues at the Constitutional Court (MK). This includes lectures, seminars and public lectures from constitutional judges on various actual and informative themes. Everything is done virtually, adjusted to the Covid-19 pandemic that is still hitting. However, the positive side is accepted by the general public, academics, practitioners in the field of constitutional law despite the pandemic. They are grateful for the frequent presence of constitutional judges online delivering various materials almost every week, so they can communicate quickly and directly.

The existence of strict Large-Scale Social Restrictions (PSBB) in Jakarta means that the Court's hearings may only be attended by the Panel of Judges and court officials. The Constitutional Court trial was held without the presence of the litigant parties, they were only allowed to attend the trial virtually.

In this edition, KONSTITUSI Magazine Editor discusses the viral case in the community regarding the RCTI and iNews lawsuit regarding the Broadcasting Law. Is it true that the lawsuit of these two private television stations in Indonesia will affect the existence of content creators that are currently rife in society? A more complete review can be found in the Main Report rubric. Not only that, there are other interesting rubrics to read.

Finally, we all pray that the Covid-19 pandemic that has hit Indonesia and various countries will soon disappear. We hope that all activities in this country return to normal and are conducive, including the activities carried out by the Constitutional Court to run smoothly, safely and peacefully. Greetings of the Constitution!



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QUESTIONING THE DIFFERENT LEGAL TREATMENT BETWEEN INTERNET-BASED CONTENT SERVICE WITH RADIO-TELEVISION

The development of the internet actually has an impact on the national broadcasting system. PT Rajawali Citra Televisi Indonesia (RCTI) and PT Visi Citra Mitra Mulia (iNews) argue that constitutional rights are violated by the existence of internet-based content services (Over-The-Top / OTT services). This is because television and radio are subject to the Broadcasting Law, but it does not apply to OTT. Both consider this to be discriminatory.

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VIRTUAL TRIAL, NO PROBLEM

The Covid-19 pandemic has significantly contributed to disrupting the justice system. In many countries, courts have adopted the policy of delaying trial proceedings. At the very least, the trial will be held by prioritizing cases that are considered very important and urgent. The pandemic has 'forced' the court to take strategic steps to launch a trial process.

This is also done by the Constitutional Court (MK). In mid-March, the Constitutional Court decided to postpone the trial of all cases. However it was not long, less than two weeks, ie since March 17 until March 30, 2020. Kebij will it diiring with publications that MK services remain running by using an online or web-based electronic official website www.mkri.id. Understandably, the policy was taken solely to promote and protect the health, humanity and safety of all parties.

Postponement of trial is understandable as a spontaneous and temporary option. It shouldn't be too long and too long. This is because the judiciary cannot lock down, he hoped. Why? Besides no one knows how long this pandemic situation will end, delaying the trial for too long means that it will prolong the settlement of a case. Legal certainty and justice that seekers of justice crave have come too late. This is not in line with the principles of a simple, fast, and free trial which have been an important principle in MK trials. What's more, there is a saying, 'justice delayed is justice denied'.

On that basis, not wanting to linger, the Constitutional Court held another face-to-face trial at the Court's Court Room. This time with the implementation of strict health protocols. In addition to examining the body temperature of anyone who will enter the area of the Constitutional Court Building, wearing a mask, wearing gloves, and providing hand sanitizers, the Court also limits the number

of Parties who are directly present in the courtroom. The other thing that is applied, the Court gave preference to the Parties, whether to be had ir directly in the courtroom or through a virtual present. That too didn't last long.

Following the announcement of the re-implementation of the PSBB in DKI Jakarta in mid-September, a policy was taken. The Court held a virtual trial. Parties who are alone are permitted to attend 'only' virtually. No longer allowed to be physically present in the Court's Courtroom. For this reason, various supporting systems are needed for the smooth running of the virtual trial.

For the Constitutional Court, remote trials are nothing new. Since 2007, the Court has been practicing it. In 2007, at the judicial review of Law Number 22 of 1997 concerning Narcotics, the Constitutional Court heard the testimony of Expert Philip Alston, Lecturer in Law at New York University, in a live trial from the United States. In 2008, Toby Daniel Mendel, an expert on freedom of expression from Canada, who was presented as an expert by the Petitioner, delivered an expert statement directly from Canada. At that time, the Court was in session for the Criminal Code review case. In 2009, the Constitutional Court enacted the Constitutional

Court Regulation Number 18 of 2009 concerning Guidelines for Electronic Filing and Video Conference Examinations.

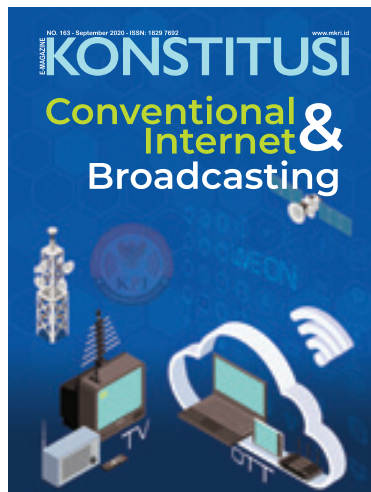
In any case, there is no problem related to the legality of remote trials. Everything is in the corridor of the Constitutional Court procedural law provisions. That is why, the Court is confident in holding a virtual trial. For the Constitutional Court, this is actually part of the e-Court implementation that has long been aspiring to achieve. Currently, virtual trials are increasingly complementing the role of modern technology-based court support in the Constitutional Court, such as a court recording system, online applications, case tracking, e-Minutation, and other modern technology support.

With regard to all that, there are a number of things related to the smooth running of the virtual trial. First, virtual trials imply a shift in the meaning of 'courtroom'. It is no longer a physical space with the same size, interior and atmosphere as the Constitutional Court Courtroom, but rather includes a space with virtual bricks. However, the virtual room remains the authority of the Panel of Judges. All activities inside bertunduk the system the way and order and the rules of court. Everything must be enforced in order to maintain the spirit of the Constitutional Court trial.

Second, there are concerns that the virtual trial will make it difficult for the public to access the Court trial. Not! For the Constitutional Court, a trial is a public event. The trial is a public event. Regardless, the public has the right to know what happened in the courtroom. This is not a problem because the virtual side of the Constitutional Court can be accessed by the public through live streaming, both on the MK page and through the Youtube channel: the Indonesian Constitutional Court.

Third, the viability of the virtual trial depends on an internet connection. From the standpoint of the Panel of Judges who are in the Court's Courtroom there are relatively no problems. But in the respective places of the Parties, internet signal may be a problem. Although most areas in Indonesia are covered by internet networks, it is undeniable that there are areas where the signal is still unstable. If it is unstable, it is certain that the virtual trial will not be maximal, even fail. Presumably, this is a challenge. Not only for the Constitutional Court, but for all parties.

The three things above indicate that the Constitutional Court and all its stakeholders must work together to take responsibility proportionally in their respective positions. The virtual trial held by the Constitutional Court at this time, apart from being compatible with the Covid-19 pandemic, seems very likely to continue after the pandemic, which God willing, will end soon. Of course, with a more massive development and pentradisian. Especially in the digital era where technological progress will continue to run fast. That way, the virtual trial can truly run effectively and efficiently, so that the aims and objectives are in line with the expectations of the Constitutional Court as well as justice seekers. Greetings of the Constitution!



QUESTIONING THE DIFFERENT LEGAL TREATMENT BETWEEN INTERNET-BASED CONTENT SERVICE WITH RADIO-TELEVISION

“ Regulation should not regulate the technology itself, but only the effects of technology use (laws and regulations do not only regulate technology, but also the impact of technology use). ”

(Bert Jaap Koops, ICT Law expert at Tilburg University in the Netherlands)

The development of the internet actually has an impact on the national broadcasting system. PT Rajawali Citra Televisi Indonesia (RCTI) and PT Visi Citra Mitra Mulia (iNews) argue that constitutional rights are violated by the existence of internet-based content services (Over-The-Top / OTT services). This is because television and radio are subject to the Broadcasting Law, but it does not apply to OTT. Both consider this to be discriminatory.

Since the invention of the internet in the 1980s, technology has developed rapidly over the past three decades. Quoted from Internet World Statistic, internet users throughout 2020 amounted to 4.8 billion users of the world's 7.7 billion population or 62 percent. When viewed today, the internet is now able to carry all the services needed to be sent to service consumers via telecommunications networks. Almost all good services including information, education and entertainment, even transportation can now be accessed directly in the palm of your hand. Growth

also brought about fundamental changes in other fields including telecommunications and TV. Now voice, message and video content have been reduced to *bytes*.

Who would have thought the development of the internet was getting faster. On 5 September 1995, for the first time the development of the internet was used to broadcast the first live radio network conducted by ESPN. At that time, the ESPN broadcast a live stream (*live streaming*) between the Seattle Mariners baseball game with the New York Yankees to *slow ggan* (*subscriber*) worldwide. Since then, the broadcasting media

(*streaming media*) has grown rapidly. Until eventually led to *Over-the-Top Services*, or better known as the services *Over -the-Top* (OTT).

Quoted from the International Telecommunication Union (ITU / United Nations ICT Organization), the term OTT itself refers to applications and services that can be accessed via the internet provided by operator networks. Internet access services provided include social networks, search engines, amateur video aggregation sites, and others. OTT services recorded in internet network *traffic*, namely: (1) Communication (Skype, Whatsapp,

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iMessage, Facetime); (2) *Real-time entertainment*, such as Netflix, Hulu, YouTube, Spotify); (3) *Social networks* such as Facebook, Twitter, LinkedIn, Instagram); (4) places to download (*market places for downloads*) such as Apple iTunes, Google Android Marketplace, Amazon); (5) share data (*file sharing*), such as BitTorrent, eDonkey, Gnutella); (6) data storage media (*storage*) such as Dropbox, Google, Apple, Microsoft, (7) video and computer games (*computer gaming*); and (8) *web browsing*, such as HTTP, WAP browsing. Currently, users can directly access these applications in

the network (online / *online*) from anywhere and anytime as long as there is an internet connection.

The universality and development of the internet causes conventional broadcast media and local entities to compete with global OTT service providers (*OTT global players*). An example of the phenomenal growth of various e-commerce applications is an example of these OTT players directly competing and taking over the market share of local entities. In the media industry, OTT service providers have a far more lucrative advantage because they can be accessed globally. Not only that,

the cost per MB is lower for storage and hosting. This competition is a problem in every country that global OTT service providers have entered, including Indonesia.

Issue regulations

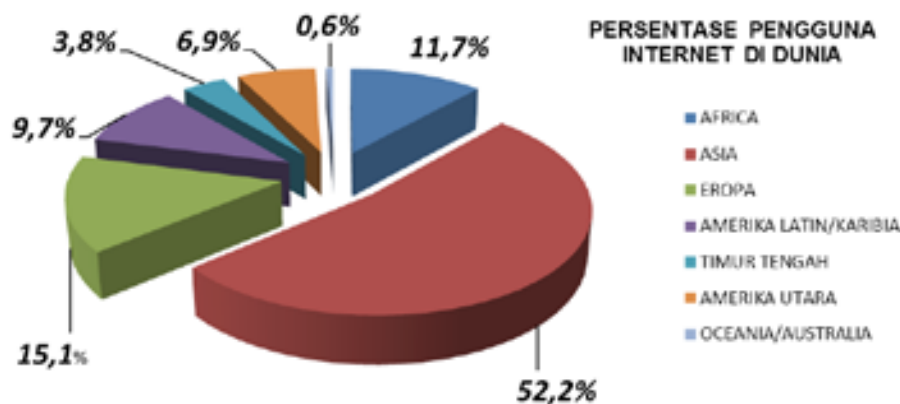
In a consultation paper belonging to TRAI (Indian Telecommunication Authority Agency) entitled “Regulatory Framework for Over-the-top (OTT) services”, a number of countries have experienced the ‘invasion’ of global OTT services. TRAI said that the only way that can be taken to overcome the ‘rush’ of global OTT

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COMPARISON OF POPULATION AND INTERNET USERS IN THE WORLD

D region Unia	Total Population Population	Number of Internet Users
Afrika	1.340.598.447	566.138.772
Asia	4.294.516.659	2.525.033.874
Eropa	834.995.197	727.848.547
Amerika Latin/Karibia	654.287.232	467.817.332
Timur Tengah	260.991.690	184.856.813
Amerika Utara	368.869.647	332.908.868
Oceania/Australia	42.690.838	28.917.600

Sumber: www.internetworldstats.com



Sumber: www.internetworldstat.com

services is that countries need to issue regulations that can protect local entities in accordance with the developments in OTT that are happening.

In the United States, the European Union and Japan, they prefer neutrality by allowing transparency and non-discrimination for global OTT service providers. Europe adopts one of the

simplest approaches to its regulatory framework, namely by expanding the definition of "electronic communication services". Europe includes OTT services as part of the definition of electronic communication services for which the application is adjusted. Such OTT service providers in the UK must comply with the rules set by OFCOM (Authority 's Telecommunication

English), while in Germany, the OTT service providers must follow the rules set by the Bundesnetzagentur.

However, in a number of other countries there are even those that prohibit the use of global OTT services. Like several countries in the Middle East that prohibit the entry of Skype. Then, China banned the use of Facebook, Google, LINE and Kakao Talk (belonging to South Korea) and Whatsapp for communication service applications. Quoted by *Reuters*, The Cyberspace Administration of China (CAC) men gatakan, mobile application providers must meet six requirements to help crack down on unscrupulous usage. The Chinese government argues that tough restrictions are needed to ensure security in the face of increasing threats, such as terrorism. How about Indonesia?

OTT services in Indonesia

The problem regarding OTT services has actually surfaced in Indonesia since 2016. At that time, the Directorate General of Taxes (DGT) of the Ministry of Finance estimated that Google Asia Pacific Pte Ltd (Google) had a tax bill of more than US \$ 400 million or the equivalent of Rp5.2 trillion for 2015. Recently in November 2017, Google paid in full its tax obligations which consisted of Value Added Tax (VAT) and Income Tax (PPh).

After the issue, the Ministry of Communications and Information was finally issued Circular No. 3 of 2016 related Application Service Provision and / or Content Through Internet (*Over The Top*) (SE No. 3/2016) as a legal basis OTT services. Existence of SE No. 3/2016 is considered insufficient to regulate the development of OTT services in Indonesia which are increasingly widespread among the community.

The development of this OTT service has ultimately disturbed the broadcasting world in Indonesia. Conventional broadcasting operators (television and radio) feel different legal treatment because OTT services are not bound by Law Number 32 of 2002 concerning Broadcasting (Broadcasting Law). Two television broadcast organizers, namely PT Rajawali Citra Televisi Indonesia (RCTI) and PT Visi Citra Mitra Mulia (iNews) took this matter to the Constitutional Court (MK) by requesting a review of Article 1 point 2 of the Broadcasting Law.

Article 1 point 2 of the Broadcasting Law states, “Broadcasting is the activity of broadcasting broadcasts by means of broadcasting and / or means of transmission on land, at sea or in space by using a radio frequency spectrum by air, cable, and / or other

media to be received simultaneously, and simultaneously by the public with broadcast receiving devices”.

In the inaugural session which took place on June 22, 2020 ago, the Petitioner argues that the provisions of Article 1 paragraph 2 of the Broadcasting Act has caused losses for the Petitioners constitutional because it led to a different treatment (*un equal treatment*). The different treatment occurs between the Petitioners as conventional broadcasting operators using radio frequency spectrum and broadcasting operators using the internet such as *Over The Top (OTT) services* in carrying out broadcasting activities.

« Because there is no legal certainty that broadcasting using the internet such as *OTT a quo service* is included in the definition of broadcasting as regulated in

Article 1 point 2 of the Broadcasting Law or not, it has resulted in broadcasting using the internet such as *OTT services* not being bound by Broadcasting Law, ” said Imam Nasef, one of the Petitioners for Case Number 39 / PUU-XVIII / 2020.

Since the broadcasting operation using the internet is not tied to the Broadcasting Law as a guideline for broadcasting in Indonesia, the Petitioners considered this to have implications for the existence of various kinds of differentiation in treatment. As a guideline for broadcasting, the Broadcasting Law regulates at least 6 (six) matters as follows: (i) principles, objectives, functions and direction of broadcasting in Indonesia; (ii) broadcasting operations requirements; (iii) licensing for broadcasting operations; (iv) guidelines

LAYANAN OTT



Sumber: ottsource.com



Imam Nasef, one of the petitioners' attorneys, explained the main point of his petition in the inaugural trial for the review of Law Number 32 of 2002 concerning Broadcasting, Monday (22/6) in the Court Room. Public Relations / Ifa Photo.

regarding broadcast content and language; (v) broadcast code of conduct; and no less important is (vi) supervision of broadcasting operations.

According to the Petitioners, the difference in treatment occurs because the six things above only apply to conventional broadcasting operators such as the Petitioner and do not apply to broadcasting operators using the internet such as *OTT* services . This distinction has implications for the absence of a “ *level playing field* “ in broadcasting, which in the end is very detrimental to the Petitioners as conventional broadcasting organizers both materially and immaturity.

The Petitioners argue that there is diversification of internet-based broadcasting with the phenomenon of the emergence of *OTT* services that are not legally certain in the Broadcasting Law. The rapid development of

the internet has given birth to various digital *platforms* known as *OTT* services . *OTT* services that have output in the form of image, audio, video and / or a combination of them all or that are included in the content / video *on demand* / *streaming* category (in the Circular of the Minister of Communication and Information Technology Number 3/2016, it is stated as Content Services Through the Internet) . All services are actually categorized as “ broadcast “ *ap abila* refers to the definition of broadcasting set out in Article 1 paragraph 1 of the Broadcasting Act, “ *Broadcast is a message or series of messages in the form of sounds, images, or sounds and images or the form of graphics, characters, either that is interactive and walkin k, which can be received through the broadcast receiving device* “ .

Thus, according to the Petitioners, various kinds of *OTT* services, especially

those included in the content / video *on demand* / *streaming* category, basically also carry out broadcasting activities, so they should be included in the broadcasting regime. It's just that the difference with conventional broadcasting activities lies in the broadcasting method used. In conventional broadcasting activities used are broadcasting using radio frequency spectra , while in *OTT* services used are broadcasting using the internet.

For this reason, in their petition, the Petitioner asked the Panel of Judges to declare Article 1 Number 2 of the Broadcasting Law contrary to the 1945 Constitution. Not only that, the Petitioner requested that the article be declared to have no legally binding force conditionally as long as it is not interpreted “... and / or (ii) activities to disseminate or stream broadcasts using the internet to be accepted by the public in accordance with requests and /

or needs with broadcast receiving equipment ” .

So that Article 1 Number 2 of the Broadcasting Law reads in full, “ Broadcasting is (i) broadcasting activities by means of broadcasting and / or means of transmission on land, at sea or in space using 12 radio frequency spectrum by air, cable, and / or other media to be received simultaneously and simultaneously by the public with broadcast receiving devices; and / or (ii) activities to disseminate or stream broadcasts using the internet to be accepted by the public in accordance with requests and / or needs with broadcast receiving equipment ” .

The complexity of OTT

Responding to the request, the Government in a session held on August 26, 2020, described OTT services as having their own complexities consisting of various types in the telecommunications industry, such as applications, service providers, and others. This

makes the settings regarding OTT services quite complex.

“ Currently, Indonesia cannot be accommodated in just one rule. So that the implementation of the OTT service arrangement refers to the laws and regulations according to the type of service it provides, “ said Director General of Post and Information Administration Ahmad Ramli representing the Government.

In contrast to the Petitioners, Ahmad said that the Petitioners were included as broadcast organizers *free to air* in the Broadcasting Law, whose regulations were arranged through a strict and detailed public legal approach . The *a quo* provision also regulates broadcast operations which must be carried out based on a broadcasting operation license or known as IPP and the use of radio frequency spectrum or ISR to be utilized in an effort to carry out broadcasting.

“ And the content of the *free to air* broadcast must be supervised by the Indonesian Broadcasting

Commission (KPI) which is an independent state institution, an *auxiliary body* , as a form of community participation, “ Ahmad explained.

Not a Broadcasting Entity

A similar thing was argued by the DPR which stated that the OTT entity was not a broadcast operator. Member of Commission III of the DPR Habiburokhman explained that OTT entities cannot be classified as broadcasting providers because they do not meet the requirements regarding the legal form of broadcasting institutions, licensing and monitoring of broadcast content as regulated in the Broadcasting Law. Not only that, he revealed that in fact, OTT service providers use the radio frequency spectrum outside of the broadcasting frequency spectrum to carry out their activities in the form of delivering data in the form of images, sound, or video content.



Director General of Post and Information Administration of the Ministry of Communication and Information, Ahmad M. Ramli, gave a virtual statement during the trial for the review of Law Number 32 of 2002 concerning Broadcasting, Wednesday (26/8) in the Court Room. Public Relations / Ifa Photo.

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“ Apart from problems related to the use of frequencies by OTT entities that are not in accordance with broadcasting frequency, other problems which also prove that the activities carried out by OTT entities are not included in the scope of the provisions of article *a quo of the* Broadcasting Law is that one of the broadcast domain requirements is not fulfilled, namely acceptance. by simultaneously or concurrently, “ explained Habiburkhan in a hearing that took place on 14 September 2020.

Law Establishment Authority

Also present at the hearing were representatives of labor online. tv as a Related Party represented by Viktor Santoso Tandiasa. In his statement, Viktor conveyed that the Related Party was given a constitutional right to benefit from science and technology in order to convey information through all types of channels available in accordance

with Article 28C paragraph (1) and Article 28F of the 1945 Constitution. Therefore, the Petitioners’ petition for redefinition Article 1 point 2 of the Broadcasting Law is closely related to the interests of Related Parties. This is because the Related Party carries out activities using internet facilities in *streaming services* , namely on the www.buruhonline.tv page or through the content provider application on Youtube on the Buruh Online TV channel.

“ Third, if the Petitioners’ Petition is granted, then the constitutional rights of the Related Party will be affected or at least will have an effect because the Related Parties also take advantage of the internet in presenting programs, topics, and employment content needed by millions of workers in Indonesia, “ explained Viktor.

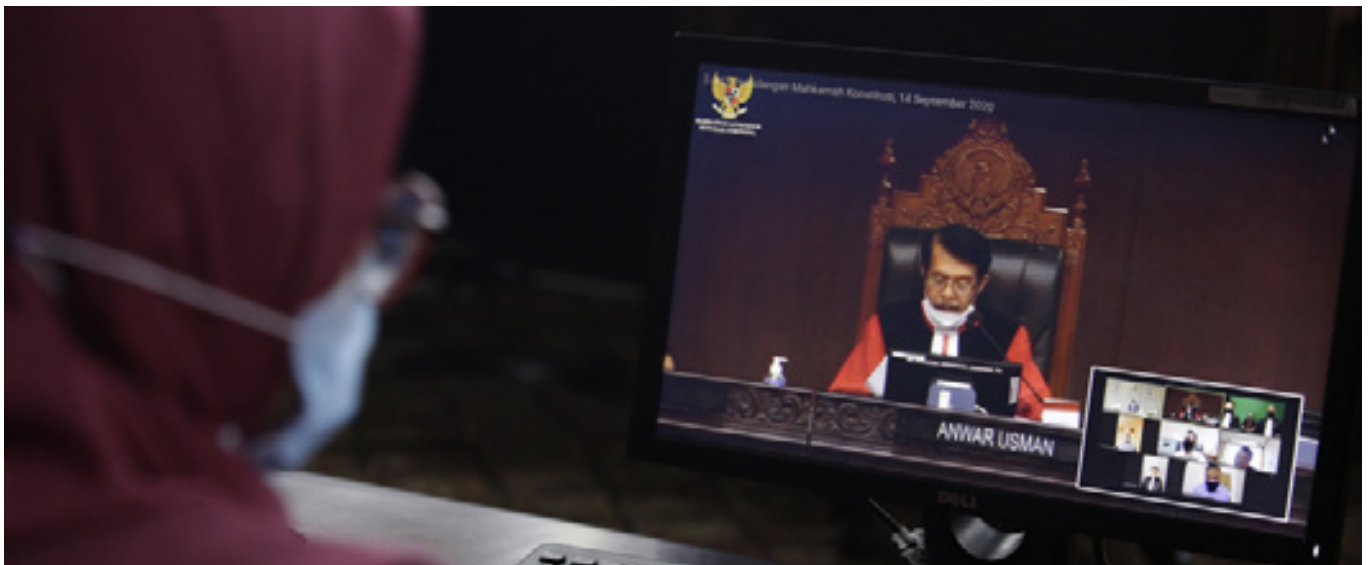
In addition , the Related Party considers the Petitioners ‘ petition wishing to add broadcasts using internet channels

as part of broadcasting. If this is the Petitioner’s objective , it is necessary to adjust further rules in the Broadcasting Law. However, the adjustment of these rules is the authority of the legislators.

“ Therefore, the Related Party invites the Petitioners to jointly propose regulations on accreditation services and / or content via the internet, the Government, and the DPR. This is in line with the enactment of the Draft Law on Amendments to the Broadcasting Law in the 2020-2024 National Legislation Program, which is now being discussed by Commission I of the House of Representatives, starting from 29 June 2 020, “ said Imam Gozali as attorney other online workers.

So, what will the end of this RCTI and iNews application journey? Let us wait for the upcoming MK trial. ■

LULU ANJARSARI



Plenary Session Listening to the testimony of the DPR and Related Parties in a virtual trial of the Case Review of the Broadcasting Law, Monday (14/9) in the Plenary Meeting Room of the Constitutional Court Building. Public Relations Photo / Gani.



The Head of the Public Relations Bureau of the MKRI Heru Setiawan, a representative from the MKRI as the Permanent Secretariat for Planning and Coordination, conveyed the development of the AACC work program in Jakarta, Public Relations Photo / Gani.

4TH AACC CONGRESS: THE SUPREMACY OF LAW, PERSONAL VALUES AND STATE EFFECTIVENESS

Although many countries in the world was in a period of pandemic Covid-19, did not dampen the spirit of a number of judicial institutions in Asia that are members of the Association of the Constitutional Court and similar institutions in Asia (Association of Asian Constitutional Court and Equivalent Institutions/ AACC) to hold a series of 4th AACC Congress. On this occasion, Kazakhstan hosted the congress which was attended by 17 participating countries through networks from their respective countries. Activity in i held over two days, Wednesday-Thursday (26-27 / 8/2020) as a form of contribution of the Constitutional Court in Asia for strengthening democratic values, rule of law, and protection of human rights d's freedom in the region Asia and beyond.

Meeting of Secretary General (MSG)

Although the international community during the pandemic Covid-19, did not dampen the spirit of a number of judicial institutions in Asia that are members of the Association of the Constitutional Court and similar institutions in Asia (Association of Asian Constitutional Court and Equivalent Institutions/ AACC) for AACC Congress held a series of to-4 which begins with the Meeting of the Secretary General and the Board of Members Meeting through a network of 17 participating countries on Wednesday (26/8/2020).

This activity was held online (online/online) by the Constitutional Council of the Republic of Kazakhstan as the President of the AACC for the 2019-2021 Period and the host. In this activity it was held Meeting of Secretary General" which was attended by AACC member countries, namely

Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, South Korea, Malaysia, Mongolia, Myanmar, Tajikistan, Thailand, Turkey, Uzbekistan, Maldives, Pakistan, Russia, Indonesia and Uzbekistan. At the meeting chaired by Secretary General of DK Kazakhstan Bakyt Nurmuk hano, various issues were discussed, including the AACC Permanent Secretariat report from MKRI, MK Turkey, and MK South Korea.

The Head of the Public Relations Bureau of the MKRI Heru Setiawan, as the representative of the MKRI as the Permanent Secretariat for Planning and Coordination, delivered the progress of the AACC work program in Jakarta. Heru reported that the Jakarta Planning and Coordination Sectap had four main work programs carried out in the 2019 to the first semester of 2020. First, the Jakarta Sektap has developed the official AACC website at

the address www.aacc-asia.org, which aims to be the AACC information center as an association, and its member countries, equipped with information developments, such as the activities of all AACC members and the loading of monumental decisions from AACC member countries.

It was further conveyed, that in 2019 one username and password was given to each AACC member country to be able to access and update the Constitutional Court of each member country, including to post monumental decisions from each member country as a form of information exchange in development of the quality of the decisions of each member country. Heru said that the MKRI had learned that several countries had actively participated in improving the page.

However, the extraordinary occurrence of the Covid-19 pandemic that has plagued many countries in the world, makes AACC as an independent association must participate in protecting human rights so that they can live without being overwhelmed by the fear of this Covid-19 pandemic. For this reason, we have taken the initiative

to carry out a Covid-19 awareness campaign. Among other things, the making of Joint Statements from all AACC members, videos of Covid-19 awareness support from the heads of the Constitutional Court or similar AACC member countries, and policy actions determined by each AACC member country regarding the Covid-19 situation which was disseminated throughout world through laman aacc-asia.org," explained Heru who delivered the report accompanied by the Director of Law and Political and Security Treaties of the Indonesian Ministry of Foreign Affairs Purnomo Ahmad Chandra and MK Intermediate Researcher Pan M. Faiz in the Constitutional Court Delegation Room.

Next, Sektap Jakarta has added an Internal Menu feature on the AACC page which can only be accessed by AACC member countries using the password and login that have been given to the liaison officer of each AACC member. It contains more in-depth information about the AACC congress, the Board of Members Meeting (BoMM), the Meeting of Secretaries General (MSG), and various agendas from all member

countries. This feature was made with the aim of being a more specific means of exchanging information between AACC member countries in providing an overview of AACC's routine activities. At the end of 2019 until the first semester of 2020, Heru continued, there had been an addition of 3 countries in the list of candidate countries for AACC members to be provided with information regarding the proposals for AACC membership offers, namely Bangladesh, Nepal, and Jordan. From the offer, the Supreme Court of Bangladesh submitted his application to join the AACC membership. At the end of the submission of the report, Heru described the implementation of work programs that have also been carried out by the Jakarta Sektap, including a more intensive approach adapted to the state of the Covid-19 pandemic with countries that have expressed interest in AACC so that the number of AACC member countries has increased.

Board of Members Meeting (BoMM)

After being elected as President of the Association of Asian Constitutional Court Se and similar



Chairman of the Constitutional Court Anwar Usman along with Deputy Chief Justice of the Constitutional Court Aswanto, and Constitutional Justice Arief Hidayat, accompanied by Secretary General of the Constitutional Court M. Guntur Hamzah and Director of Law and Political Treaties and Security of the Indonesian Ministry of Foreign Affairs Purnomo Ahmad Chandra to participate in the AACC Congress activities IV which was held by the Constitutional Council of Kazakhstan, Wednesday (26/8) in Room Lt. 11 The Constitutional Court Building. Public Relations Photo / Gani.



Chief Justice of the Constitutional Court Anwar Usman along with Deputy Chief Justice of the Constitutional Court Aswanto and Constitutional Justice Arief Hidayat when delivering a virtual presentation at the AACC IV Congress activities held by the Constitutional Council of Kazakhstan, Thursday (27/8) in Room Lt. 11 The Constitutional Court Building. Public Relations Photo / Gani.

institutions (Association of Asian Constitutional Courts and Equivalent Institutions / AACC) in the period 2019 - 2021, the Constitutional Council of Kazakhstan held «Board of Members Meeting ” online (online / online). The agenda discussed included amendments to the statute, discussions on member participation for the 5th AACC Congress, and cooperation with the Euroasia constitutional review body association . At this meeting, representatives of the Constitutional Court of the Republic of Indonesia (MKRI) were represented by the Chief Justice of the Constitutional Court Anwar Usman, Deputy Chief Justice of the Constitutional Court Aswanto, and Constitutional Justice Arief Hidayat, accompanied by the Secretary General of the Constitutional Court M. Guntur Hamzah and the Director of Law and Political Treaties and Security of the Ministry of Foreign Affairs. Negeri Indonesia Purnomo Ahmad Chandra.

The AACC organization name does not need to be changed and still uses the name that has been made through a long process by the organization's pioneer. That was

the suggestion of the Chief Justice of the Constitutional Court Anwar Usman in a virtual discussion on the existence of a proposal from Pakistan to adjust the name of the AA CC organization with the increasing number of members of the organization who joined, which had different terms in naming the constitutional judiciary of the country concerned. In addition, Anwar also expressed his pleasure at Bangladesh's desire to join as the 19th AACC member. «For Bangladesh membership, we are happy to accept our brothers from Bangladesh, ” said Anwar.

Meanwhile, Constitutional Justice Arief Hidayat in his opinion does not need to change the name of the organization. Agreeing with Turkey, Arief considered that the name AACC was not only known in Asian MK, but also at the world level. Arief emphasized that the name of this organization has been recognized by MK associations in the member countries of the Constitutional Court in the world and its existence has been recognized at the world level. « I agree with the President of the Constitutional Court

of Turkey Prof. Zuhtu Arslan , because of the development of the current AACC members, the term used in the name of this organization can still accommodate the addition of new members due to the differences in the names that exist in the constitutional judiciary which are different from one another, ” said Arief as a judge who has served as a judge. President of the AACC for three consecutive years.

Furthermore, at this virtual meeting, the organization was also discussing the form of international cooperation, including cooperation with the association of Euroasia constitutional review bodies. Previously, it was known that in 2017 a memorandum had been made which was signed with Africa. For this cooperation, various activities and visits have been carried out in the country concerned. In 2020, AACC is again expanding its cooperation with European level associations. However, the pandemic resulted in postponement of meetings to negotiate and discuss directly with the nine member countries of this related organization.

4th AACC Congress: XXI Century Constitution

President of the Constitutional Council of Kazakhstan Kairat Mami opened the congress directly in network (online / online) from Nur-Sultan, Kazakhstan, on Thursday (27/8/2020). With the theme «The XXI Century Constitution - The Supremacy of Law, Personal Values, and State Effectiveness ” , Chairman of the Constitutional Court of the Republic of Indonesia Anwar Usman in the first session of the panel discussion had the opportunity to present a paper entitled»Guarding the Democracy in the Midst of Covid-19 Pandemic. “ In the virtual presentation, Anwar said that the fulfillment of people’s democratic rights is an obligation for the state to implement it. However, the Covid-19 pandemic also gave birth to the responsibility of the state to protect the health rights of its citizens. This, continued Anwar, is part of the constitutional rights of citizens which must be fulfilled and guaranteed by the constitution. J ika-19 Covid pandemic condition are faced with the implementation of local elections (elections) simultaneously in 2020, this has become a problem that is quite a dilemma.

«Whereas on the one hand, the state is obliged to fulfill the constitutional rights of citizens in democracy, but on the other hand the state is also faced with conditions to implement health protocols, so as not to spread and spread Covid-19 in society. So, the implementation of health protocols is part of the fulfillment of public health rights, which are in accordance with the mandate of the constitution, “ said Anwar who appeared virtual, accompanied by Deputy Chief Justice of the Constitutional Court Aswanto and Constitutional Justice Arief Hidayat in the Constitutional Court Delegation Room.

Furthermore, Anwar said that at the upcoming 2020 Pilkada

Simultaneous, the election would be carried out while still paying attention to health protocols. So that there will be many adjustments in each stage of its implementation. One of the efforts of the Constitutional Court to continue to provide easy access for the public to reach justice in the 2020 Pilkada is by optimally utilizing technology, information and communication. MKRI has built, owned, and provided ICT-based applications and services, both for case handling support and general administration support.

«Therefore, the expected conduct of the trial to completion and case handling P i Ikada Unison 2020 can be implemented most efficiently and smoothly without a significant obstacle, “ sam pie Anwar in activity moderated by the President of the Constitutional Council of Kazakhstan Kairat Mami of Nur-Sultan , Kazakhstan.

At this congress, a panel discussion was held which consisted of three discussion sessions with different themes. In the first session, the theme was «Constitution and the Rule of Law: Challenges and Ways of Solutions ” with several presenters, such as Victor Mali novskiy who is a member of the Constitutional Council of the Republic of Kazakhstan with a discussion entitled»Constitutionalism of Salvation: To Soften the Contradictions Between Person, Society and State ” ; President of the Constitutional Court of the Republic of Korea Namseok Yoo with a presentation entitled «Constitution l Court of Korea and the Rule of Law ” ; Chairman of the Constitutional Court of the Republic of Azerbaijan Farhad Abdullayev with a presentation entitled»Some Aspects of the Constitutional Justice Administration in the Period of Pandemic ” ; Chairman of the Constitutional Court of Ukraine Oleksandr Tupytskyi with a discussion entitled»Modern Challenges to the Human Rights and Freedoms: General European and Ukrainian Aspects ” and Chairman of the Supreme Court of the Kyrgyz Republic Karybek Duisheev

with a subject entitled»The Role of The Constitutional Control Body in Ensuring Rule of Law: Practice of the Constitutional Chamber of The Supreme Court Of The Kyrgyz Republic. “

In the second session, the theme of Protection of Constitutional Human Rights and Democratic Values in the Digital Transformation Era. “The speakers presented the material, including the Royal Thai Court Judge Got Udchachon with a presentation entitled»Constitution and the Rule of Law: Challenges and Ways of Solutions”; Maldivian MA Judge Azmirda Zahir with the subject entitled»The Protection ofConsti tutional Human Rights and Democratic Values in the Digital Transformation Era”; The President of the Constitutional Court of Armenia Ashot Khachatryan with the material entitled The Constitutional Justice and the Problems of Epidemiological Crisis Influence Upon the Constitutional Doctrine of The Fundamental Rights of Citizens”; Judge of the Constitutional Court of the Republic of Latvia Art ū rs Ku č s with a presentation entitled»The Influence of The Constitution and the Constitutinal Court of Latvia Upon the Development of the Rule Of Law and Fundamental Rights”; Malaysian Supreme Court Federation Judge Dato ‘ Abang Iskandar Abang Hashim with the language entitled»Protecting Constitutional Human Rights and Democratic Values in the Era of Digital Transformation-the Experience of Malaysia ” ; President of the Constitutional Court of Germany Lars Brocker with a presentation entitled»Protection of Constitutional Human Rights and Democratic Values During the Coronavirus Pandemic: Jurisdiction of The Federal Constitutional Court of Germany in “Coronavirus” Cases”; and the representative of the Constitutional Court of Kazakhstan, Marat Sarsembayev, with a discussion entitled»Constitution of the Republic of Kazakhstan and Protection of Human Rights in the Format of the Electronic Government. “

Meanwhile, at the third session themes raised Constitutional Principles of Modernization of a Modern and Efficient state," with speakers, including the President of the Constitutional Myanmar Myo Nyunt with a presentation entitled Challenges and the Ways of Solution: Myanmar Experience"; Judge of the Constitutional Court Mongolia Chinbat Namjil with the material entitled «The Constitution of Mongolia in 21st century"; The Constitutional Court of the Republic of Tajikistan Karim Karimzoda with a discussion entitled «The Constitutionalism and Democratization of the Socio-Political Life of the Republic of Tajikistan"; The Supreme Court Judge of the Republic of Pakistan Syed Mansoor Ali Shah with the material entitled «Pandemic and the Dispensation of Justice - Pakistan's Perspective"; Secretary General of the Constitutional Court of the Russian Federation Vladimir Sivitsky on the subject entitled «Improving the Organization and Functioning of Public Power in Russia: Constitutional Changes in 2020."; Regional Director GIZ Jörg Pudelka, with a presentation entitled «Implementation of the Principle of the Rule of Law in the Field of Administrative Law; "And closed with the exposure of the Turkish Republic

Sekretaris General MK M ü Cahit Aydın with a presentation entitled «Constitutional Principles of Modernization of the Modern and Efficient State. "

Appreciation of the Success of the Congress

Within two days a discussion was held to identify the challenges presented by the Covid-19 pandemic. The participants in this discussion activity have generated ideas that the state's efforts must be realized in protecting human health and constitutional values. This was said by the Chairman of the Constitutional Council of the Republic of Kazakhstan, Kairat Mami, officially at the closing of the 4th AACC Congress online from Nur-Sultan, Kazakhstan, on Thursday (27/8/2020) evening.

«I hereby declare that this forum is over and participants are expected to attend virtually to attend the closing concert of this activity through a video prepared by the Kazakhstan Committee. Of course this will complete our series of activities and as a concrete form that must be faced together that Kazakhstan has not been able to host the activities directly. May all of us always be in good health. See you at the next activity, " said Kairat Mami ending

the first virtual congress held by AACC.

At the closing of this series of activities, the Chairman of the Constitutional Court of the Republic of Indonesia Anwar Usman expressed his highest appreciation to the President of the AACC, Kairat Mami for the implementation of the 4th AACC Congress which went smoothly and successfully. Even though the activities were carried out in the midst of the challenges of the Covid-19 pandemic. «We appreciate every discussion that occurs, both in the Secretary General's meeting, the Board of Members Meeting, and the AACC Congress, " said Anwar who was present at the closing night of the event together with Deputy Chief Justice of the Constitutional Court Aswanto and Constitutional Justice Arief Hidayat.

In addition, the Indonesian Constitutional Court in particular also expressed gratitude for the full support of AACC for Indonesia to host the 5th WCCJ (World Conference on Constitutional Justice) Congress in 2022. Anwar believes that this will reinforce AACC's commitment to upholding law, democracy and human rights in a wider forum. (Sri Pujianti / Lulu Anjarsari) ■

SRI PUJIANTI/LULU ANJARSARI



The Chief Justice of the Constitutional Court Anwar Usman expressed his appreciation to the President of the AACC at the virtual 4th AACC Congress, Thursday (27/8) in Room Lt. 11 The Constitutional Court Building. Public Relations Photo / Gani.



PUBLIC LECTURE WITH CONSTITUTIONAL JUSTICES

Deputy Chief Justice of the Constitutional Court (MK) Aswanto when he was a resource person « The Party School for Candidates for Regional Heads and Deputy Regional Heads of Cadres of the Indonesian Democratic Party of Struggle in Simultaneous Regional Elections in 2020 " Saturday (29/8) in Jakarta. Public Relations Photo / Gani.

As a judicial institution that plays a role in safeguarding the ideology and constitution of the state, the Constitutional Court must take an active role in educating and enhancing the constitutional understanding of every citizen. During the end of August to mid-September 2020, the Constitutional Court, through nine constitutional judges who are the pillars of justice enforcement, continue to share knowledge, experiences, and mutual understanding of students and legal professional organizations at general lectures that are held in a network (online / online).

Safeguarding Pilkada Votes

Security for regional head election ballots (pilkada) must start from the polling station (TPS) to the district and provincial election committees. The role of witnesses is very decisive

in elections at the polling station level. This was conveyed by Deputy Chief Justice of the Constitutional Court (MK) Aswanto when he was a resource person « The Party School for Candidates for Regional Heads and Deputy Regional Heads of Cadres of the Indonesian Democratic Party of Struggle at Simultaneous Regional Leadership in 2020 " . This event was held online by the Indonesian Democratic Party of Struggle (PDI Perjuangan) on Saturday (29/8/2020) afternoon.

Aswanto further stated that the Constitutional Court would examine all documents of the parties in the case of the election results. «However, the documents we examined are the documents which form the basis for maintaining sound by the parties, by the applicant or the Related Parties who do have the strength of evidence, " said Aswanto serving mat eri»Settlement

Procedure Law and Safety Results Vote on Election Governor, Regents, Mayors in Unison 2020 " .

Aswanto emphasized, if the parties, including the Petitioner, wanted to secure votes, the original C1 form must be kept and signed by an official official. Because the original C1 which will later be assessed by the Court is related to the correctness of the calculation made by the KPU. « So, ladies and gentlemen, must have the C1 form which has the power of proof issued by a competent party, in this case there are 5 officers at the KPPS. This is what can be used as a tool to defend votes and secure votes, « Aswanto explained to candidates for governor, regent and mayor, PDI members.

Struggle and the general public who participated in this event virtually. ■

NANO TRESNA ARFANA/NUR R



Constitutional Justice Arief Hidayat at the National Working Meeting (Rakernas) held by the National Student Movement Alumni Association (PAGMNI) on Saturday (29/8/2020). Photo: Public Relations / Ifa .

PLENARY IDEOLOGY

Pancasila is a perfect ideology. That was the opening line which was uttered by Constitutional Justice Arief Hidayat at the National Working Meeting (Rakernas) held by the National Student Movement Alumni Association (PAGMNI) on Saturday (29/8/2020). This activity that was held virtually had the theme «The Position of GMNI Alumni in Facing the Challenges of the Pancasila Ideology Amid the Threat of Transnational Ideology.»

Arief as one of the speakers invited the participants of the National Working Meeting to reflect carefully on the current condition of the Indonesian nation. According to him, the war facing the Indonesian nation today is not a physical war like the struggles

of previous fighters but a proxy war . So that we are confused with what is right and wrong. For that, let's together we make Pancasila as the working ideology , " spoke Arief in a seminar in the network (online / online) are also filled by the speaker as Vice Chairman of the Constitutional Committee Ahmad Basarah who is also chairman of the DPP PAGMNI.

More concretely, Arief explained that in the trias politica system, the executive, legislative and judiciary bodies exercise the power of the state. However, as the life of state governance develops, there are additional strengths such as the power of the state civil apparatus which can also influence the policies taken by the power holders in the Indonesian state. Entering the

20th century, he continued, there was also the power and power of the mass media that could influence government policy and shape public opinion more broadly against the policies initiated by the government. Next, at the end of the 20th century and entering the beginning of the 21st century, the power of non-governmental organizations (NGOs) also emerged which was able to influence state policies that were decided by the existing powers . Therefore, Arief invited Rakernas participants to be able to dominate netizens by forming influencers by filling virtual public spaces with content on FB, IG, and various other internet-based social media platforms with Pancasila values. ■

SRI PUJANTI/LULU ANJARSARI

VARIOUS PROFESSIONALS FOR THE FIELD OF LAW

Constitutional Justice Saldi Isra gave motivation to students who had just taken the Faculty of Law, Andalas University (FH Unand). Saldi's important message is also a learning place for all law faculty students at any campus. Including those who will later enter and work in the legal field. This was conveyed by Saldi when he was a guest speaker in a public lecture held by FH Unand on Friday (4/9/2020) virtually.

At the beginning of the presentation, Saldi shared his experience when he graduated from high school majoring in physics. Then he took the ITB entrance test but did not pass and was finally accepted at

FH Unand. In short, Saldi was accepted as a student at the Faculty of Law Unand. Saldi did not expect that in the first semester of college he would get a GPA of 3.71. In the second semester, he obtained a GPA of 4.00 as the highest score in lectures. Long story short, Saldi completed his S-1 program. After that he took the S-2 program at the University of Malaya Kuala Lumpur Malaysia in 2001 and S-3 at Gadjah Mada University in 2009.

Saldi added, the employment opportunities for law faculty alumni are wider than other faculties. «If you can study well, rest assured that the space for law faculty alumni is much wider in the field of work than other faculties. Law

graduates have the potential to work in hospitals in the administrative or legal department. But never a medical graduate can become a judge. So judges, prosecutors, advocates can only be filled with law graduates. Law graduates are needed by companies for the legal profession , " explained Saldi.

More Saldi message to the law students to be more active in lectures and should be more widely read textbooks, se avg tidak only rely on information from the college course . Untuk be law students and law graduates are successful, Saldi also advised that the students have to get used to writing well now and raise the n ability to speak well in public. ■

(NANO TRESNA ARFANA/NUR R.)



Constitutional Justice Saldi Isra became the resource person for a public lecture held by the Faculty of Law, University of Andalas (FH Unand) virtually, Friday (3/9) at the Constitutional Court Building. Public Relations Photo / Gani.



THE FUNCTION AND AUTHORITY OF THE CONSTITUTIONAL COURT

Chief Justice of the Constitutional Court (MK) Anwar Usman was a resource person in the XIV Special Training for Advocate Profession (DKPA) held by the West Java Indonesian Advocates Congress (KAI) and the Faculty of Law, Pasundan University on Saturday (5/9/2020) in Bandung, West Java. In the activity, which was attended by 110 prospective advocates, Anwar conveyed the functions and authorities of the Constitutional Court.

In the material entitled «Judicial Review in the Constitutional Court », Anwar conveyed about the perpetrators of judicial power as stated in the 1945 Constitution, especially Article 24. He mentioned Article 24 of the 1945

Constitution as the legal basis for the formation of the Supreme Court and the Constitutional Court as actors of legal power in Indonesia. Article 24 paragraph (2) of the 1945 Constitution states, »Judicial authority shall be by a Supreme Court and judicial bodies underneath it in the public courts, religious courts, military courts, Peradi lan state administration, and by a Constitutional Court ". Based on these provisions, he continued, the Constitutional Court is one of the actors of judicial power besides the Supreme Court. Judicial power is an independent power to administer justice in order to uphold law and justice. Thus, the Constitutional Court is a judicial institution, as a branch of the judicial

Chief Justice of the Constitutional Court (MK) Anwar Usman was a resource person in the Special Education and Training for Advocate Professions (DKPA) XIV organized by the DPD Indonesian Advocate Congress (KAI) West Java and the Faculty of Law, Pasundan University on Saturday (5/9/2020) in Bandung, West Java. Photo: Public Relations / KAI .

power, which adjudicates certain cases under its authority under the provisions of the 1945 Constitution .

In this activity, Anwar shared his experiences as a figure in the legal world. He advised prospective advocates to always enforce the law honestly, fairly, and with a sense of responsibility. « Because it is not only to humans but that responsibility must also be accounted to to Allah SWT. Because the truth cannot be silenced, there are no stories so far that crime or injustice has defeated truth, defeated justice. When the truth comes , all falsehood will be destroyed, « said Anwar. ■

(HENDY P./LULU ANJARSARI)

FOLLOW-UP BAWASLU'S RECOMMENDATIONS

The role of general election administrators (elections) in realizing regional head elections (pilkada) for the welfare of the people is to implement norms properly so that the elected leaders are in accordance with the conscience and beliefs of the people. This was said by the Deputy Chairperson of the Constitutional Court Aswanto in the Webinar of Progressive Lecturers of the State Islamic University (UIN) Alauddin Makassar with the Makassar City General Election Supervisory Agency (Bawaslu Makassar) which was held on Saturday (5/9/2020).

In activities themed «Pemilukada: Contestation between Idealism and Pragmatism » Aswanto further elaborated on the rules of organizing general elections (pemilu). According

to Aswanto, election organizers have made firm and clear regulations.

Regarding the role of Bawaslu, Aswanto acknowledged that this institution was an evolving institution. At the beginning of the existence of Bawaslu prior to the existence of the election administration law , the activities carried out by Bawaslu were subject to the regional government regime (Pemda). So that in the past it was called the Election Supervisory Committee (Panwas) who was elected by the Regency / City DPR members. Many things have not been done optimally because institutions cannot escape from the competing powers in the region concerned. Then to get away from the political elites who were contesting at the regional level, the election management law was born. So that this

institution began to get independent in conducting supervision.

«In connection with this role, Bawaslu actually plays a major role in providing recommendations that the KPU must follow up on. If not implemented, the KPU could be criminalized. This means that the regulation on the implementation of Bawaslu gas tuition, whether in the province or district / city is already very good because Law 10/2016 has given authority to Bawaslu. Forced power Bawaslu recommendation was actually strong, only to be slow, » clearly Aswanto in an event that also dihad envy K o missionary Bawaslu Makassar City Abdillah Mustari and Professor of UIN Alauddin Makassar Rashid Masri through Zoom Meeting. ■

(SRI PUJIANTI/NUR R.)



Deputy Chief Justice of the Constitutional Court Aswanto was the guest speaker for the Progressive Lecturer Webinar of the State Islamic University of Alauddin Makassar together with the Makassar City General Election Supervisory Board, on Saturday (5/9) in Jakarta. Public Relations / Ifa Photo.



SOCIAL MEDIA IS A NEW POWER IN THE CURRENT ERA

Constitutional Justice Arief Hidayat, who was the resource person for a webinar organized by the Pancasila Ideology Development Agency, on Tuesday (8/9) at the Constitutional Court Building. Public Relations / Ifa Photo.

The presence of civil society through the existence of mass organizations, including Non Government Organizations (NGOs) or non-governmental organizations (NGOs) in turn reduces the authority of the three branches of state power. Just like the press, civil society performs a control function over the government. " Non-government organizations or non-governmental organizations appear as a pressure group that greatly influences the policies taken by the executive, legislative and judiciary bodies, " said Constitutional Justice Arief Hidayat who was a resource person Panel Discussion in the Webinar Rap at

Affirmation of Standardized Manuscripts of PIP Material for Regional State Civil Regulations « organized by the Pancasila Ideology Development Agency (BPIP), on Tuesday (8/9/2020) morning.

Arief continued, as an interest group, civil society tried to influence state policy without trying to control government management directly. So far, the press and civil society have helped oversee the administration and management of the country. Both play a role as a means of control for the state and government. Dikatak an Arief, if the community had been tied by citizenship as a citizen, now in social media because of advances in information technology. « I said that

now social media has become a new force or as an influencer, " said Arief who wrote a paper entitled «Netizens and Social Media are the New Arsenal of Pancasila Values in the Present Era " .

On this occasion, Arief also conveyed a message to BPIP to fill content on social media in a creative, interesting way, not only serving consumption for adults, but also for children according to their level. «We fill virtual public spaces with narratives and content that explain the ideology and the basis of the Pancasila state, " said Arief. ■

NANO TRESNA ARFANA/LULU ANJARSARI



The elder of the Constitutional Court Anwar Usman was a guest speaker in a webinar held by the Islamic Faculty of IAIN Kudus, Thursday (10/9) at the Constitutional Court Building. Public Relations / Ifa Photo.

THE FINAL GUARD OF THE CONSTITUTION

The authority of the Constitutional Court (MK) as stipulated in the 1945 Constitution is very appropriate with the role of the Constitutional Court as the final bastion guard of the constitution. This is because this institution guards the constitution, democracy, and protects the constitutional rights of citizens. That was the statement uttered by the Chief Justice of the Constitutional Court Anwar Usman in a web seminar (webinar) held virtually on Thursday (10/9/2020).

In activities with the theme «The Role of the Constitutional Court as the Last Bastion in Maintaining the Constitution », Anwar explained more clearly the history of the birth of the Constitutional Court, its powers and the duties of the institution. Anwar revealed that after the reformation,

Indonesia became the 78th country to form a constitutional judicial authority in the world. «The establishment of the Constitutional Court in Indonesia is inseparable from the provisions of Article 24 of the 1945 Constitution which gave birth to its own duties and authority by the Constitutional Court, » explained Anwar in an activity moderated by IAIN Kudus Faculty Lecturer Haris Naim and participated in by IAIN Kudus Chancellor Mudzakir and his staff, lecturers and students of PKL, Sharia Faculty of IAIN Kudus.

Furthermore, related to the authority of the Constitutional Court, Anwar stated that Article 24C paragraph (1) of the 1945 Constitution has explicitly stated that the Constitutional Court's decision is final. This, continued Anwar, is very different from the nature of the

decisions issued by the existing judiciary, namely that cassation and review of cases submitted to the institution can be reviewed. Whereas in the Constitutional Court, all decisions were not subject to legal action afterwards.

In this webinar activity, the participants were also given the opportunity to ask questions directly to the Chief Justice of the Constitutional Court Anwar regarding the various experiences and ups and downs of judges and law enforcers in upholding justice for justice seekers. «A very high justice is born from a clean heart. When a judge decides a case that is not in accordance with his heart, it is the same as punishing himself, » concluded Anwar. ■

SRI PUJIANTI/LULU ANJARSARI



DEBATE ON THE RULE OF LAW

Constitutional Justice Saldi gave a public lecture to new students of the Postgraduate Program at the Faculty of Law, Andalas University (FH Unand) on Saturday (12/9/2020).

Constitutional Justice Saldi gave a public lecture to new students of the Postgraduate Program at the Faculty of Law, Andalas University (FH Unand) on Saturday (12/9/2020) online afternoon. The theme of the lecture is "75 Years of Indonesian Law Rule" which has been published in the famous national mass media.

"Why is this important? Because to this day people are still debating where the Indonesian rule of law is actually going? What makes it different from other law states. I write by tracing his development for 75 years and taking a side in the judicial power," said Saldi.

If you want to see a rule of law, continued Saldi, there are many sides to look at. This could be in terms of the formation of laws, the rule of law process in the context of relations

between powers, and the like. "My writing actually looks at the rule of law in the context of how to build an ideal judicial power," said Saldi.

Saldi said, when reading the treatise on the formation of the 1945 Constitution which was debated by the founders of the state at the time of independence, there was almost no debate about the constitutional state of Indonesia. However, what is being discussed and debated is about the basis of the state, the form of the state, whether Indonesia will become a republic or a monarchy. Saldi explained, about the word "legal state" but appear in the draft Act of 1945 relating Supomo explanation that Indonesia must be built on state law (*rechtsstaat*) and not on power. However, no one has ever asked for an explanation of the legal state of *ema* referred to by Soepomo, whether in the definition of

a legal state in Continental Europe or in the meaning of an Anglo Saxon." But when talking about state institutions, talking about the Supreme Court, MPR, DPR, the debate is deep," added Saldi.

To these students, Saldi reminded students of S-2 and S-3 programs to have a plus value compared to undergraduate students. The first key is to read a lot. The second key is to improve the ability to communicate in public without feeling nervous or awkward. The third key is to improve writing skills. The ability to write well is the key to success for those who study the world of law. It is not just a matter of writing a thesis, but the most important thing is how to translate the results of the reading process on legal materials into good writing. ■

NANO TRESNA ARFANA/LULU ANJARSARI

COMPULSORY ABILITIES FOR LAW FACULTY STUDENTS

Four important things that can develop the abilities of students who have just chosen a law major. First, the ability to read the literary set is multiperspective. Second, we have to dare to speak in public, as an important asset to become a law graduate. If you don't feel confident speaking in public, then this will be a problem.

" Next, good writing skills . This is the toughest challenge for students today. Because everything is easily accessible to cyberspace. Sometimes students get stuck copying and pasting

easily. I've been writing articles since 1995 in various mass media . I have practiced writing since college, " said Constitutional Justice Saldi Isra as a resource person for the Webinar " Higher Education in Law and State Context " held by the Faculty of Law, University of Bengkulu on Saturday (12/9/2020) morning.

Apart from that, Saldi ordered the students to take the time to improve their English. According to Saldi, having a law degree and having good English skills will have a faster chance of being accepted by multinational

companies for any profession. " If you can study well, rest assured that the space for law faculty alumni is much wider in the field of work than other faculties. Law graduates have the potential to work in hospitals in the administrative or legal department. But never a medical graduate can become a judge. So judges, prosecutors, advocates can only be filled with law graduates. Law graduates are needed by companies for a legal profession in the midst of today's civilization, " said Saldi. ■

NANO TRESNA ARFANA/LULU ANJARSARI



Constitutional Justice Saldi Isra as a resource person for the Webinar " Higher Education Law and State Context " held by the Faculty of Law, University of Bengkulu on Saturday (12/9/2020) morning. Photo: Public Relations / Inspiration.



Deputy Chief Justice of the Constitutional Court (MK) Aswanto became a resource for the Advocate Professional Special Education (PKPA) virtually, Saturday (12/9) in Jakarta. Public Relations Photo / Gani.

CASE TESTING

Deputy Chief Justice of the Constitutional Court (MK) Aswanto was the resource person for the Special Education for Advocate Profession (PKPA) with the theme of the Court's Judicial Procedure Law. This activity was organized by the Indonesian Advocates Association (Peradi) through the Zoom Meeting application on Saturday (12/9/2020).

At the event, Aswanto conveyed the legal basis for the formation of the Constitutional Court, namely Article 24 Paragraph (2) of the 1945 Constitution. Furthermore, Aswanto explained the authority of the Constitutional Court as regulated in Article 24C Paragraph (1) and Paragraph (2) of the 1945 Constitution, Law No. 24 of 2003 concerning the Constitutional Court as amended by Law no. 8 of 2011 Article 10 paragraph (1) and paragraph (2), as

well as Law no. 48 of 2009 concerning Judicial Power Article 29 paragraph (1) and paragraph (2).

Based on these provisions, Aswanto explained, the Constitutional Court had four powers and one obligation. Then in the development of the implementation of its authority, the Constitutional Court stated Article 50 of Law no. 24 of 2003 concerning the Constitutional Court contradicts the 1945 Constitution. " Article 50 contains provisions which state that the laws that can be tested in the Constitutional Court are those promulgated after amendments to the 1945 Constitution, " said Aswanto .

However, this article, Aswanto explained, was declared unconstitutional based on the Constitutional Court Decision No. 066 / PUU-II / 2004 regarding the review of Law No. 1 of 1987 concerning Kadin. Thus the

Constitutional Court has the authority to examine all laws that have been passed.

Through the Zoom Meeting application from the official residence of the Deputy Chief Justice of the Constitutional Court, Aswanto also explained, the Court conducted both material and formal testing. Material testing is the examination of laws relating to the content of paragraphs, articles and / or parts of laws deemed contrary to the 1945 Constitution. This is regulated in Article 4 paragraph (2) of the Constitutional Court Regulation (PMK) Number 06 / PMK / 2005. . Meanwhile, formal testing is the testing of laws relating to the process of forming laws and other matters that do not include material testing, as regulated in Article 4 paragraph (3) PMK Number 06 / PMK / 2005. ■

UTAMI ARGAWATI/NUR R.



DOESN'T ALWAYS SATISFY ALL PARTIES

Constitutional Justice Arif Hidayat was a guest speaker at the 17 Years Seminar on the Constitutional Court (MK) held virtually by the Faculty of Law of Diponegoro University (FH UNDIP), Friday (11/9) at the Constitutional Court Building. Public Relations Photo / Gani.

Constitutional Justice Arief Hidayat was a guest speaker at the 17 Years Seminar on the Constitutional Court (MK) Efforts to Improve the Quality of the Constitutional Court Decisions held by the Faculty of Law, Diponegoro University (FH UNDIP) on Friday (11/9/2020) virtually through the Zoom application.

In the event, Arief said that the constitutional judges had different thoughts. A quality decision, apart from being a judge's crown, is also a pearl for justice seekers. This means that a quality decision is a reflection of the expertise and ability of judges as selected legal experts in providing answers and solutions to a constitutional problem

that is packaged in a case. From time to time, the Constitutional Court tries to make quality decisions the epicenter of the activities of all components. This effort is a serial effort that must be carried out from period to period.

Arief said quality decision at no dipretensikan to satisfy the parties. "The Constitutional Court decisions do not always satisfy all parties," said Arief. With the fulfillment of these conditions, the Constitutional Court with all of its decisions will be able to continue to contribute to managing politics, law and state administration as well as elevating the civilization of Indonesia's constitutionalism.

According to Arief, quality Constitutional Court decisions can

be realized in two ways, namely constitutional judges who have adequate moral integrity and legal knowledge and aspects of substantial support and court administration that have optimal carrying capacity. In the first way, in general, constitutional judges are seen as meeting the main requirements, namely mastering the constitution and state administration. Thus, constitutional judges have the answers to all constitutional problems submitted in a case, at least have an effort with a measured and accountable method to explore and find the law of a case. This means that decisions are made with careful legal considerations, minimizing loopholes, and winning when debated by anyone. ■

UTAMI ARGAWATI/LULU ANJARSARI



UNITED TO FACE THE PANDEMIC

Constitutional Justice Arief Hidayat was the resource person for a webinar organized by the Faculty of Law, Udayana University, on Sunday (13/9) at the Constitutional Court Building. Public Relations / Ifa Photo.

Constitutional Justice Arief Hidayat was the resource person for the Webinar "The Momentum of a Student Revolution with a Sense of Empathy in Mutual Cooperation". This activity was organized by Student Day Iustitia 2020, Faculty of Law, Udayana University on Sunday (13/9/2020) morning. Arief presented the material "The active role of students as agents of the nation's successor in the framework of Pancasila for the sake of knitting national unity and integrity".

" We have agreed and inherited The Founding Fathers, an extraordinary ideology and state foundation, namely Pancasila, which is applied in all aspects of national and state life. We who

are engaged in law, including younger students as new students who are starting to study law, what must be studied is law in the context of ideology and the basis of the Pancasila state, " said Arief at the start of the meeting.

Arief continued, Indonesia's law state is different from other legal states that practice law based on the ideology and basis of their respective countries. There are countries that adhere to liberal ideologies and so on. But Indonesia's rule of law must be based on a philosophical, ideological and state foundation, namely Pancasila. The Covid-19 pandemic situation experienced by the Indonesian nation and other nations, continued

Arief, could be a momentum to unite in facing the pandemic. The spirit of gotong royong (gotong royong) is a typical Indonesian togetherness value that must be built. According to Arief, Indonesia's social cohesion will further weaken, if there is no spirit of mutual cooperation, togetherness of the Indonesian people in the face of the Covid-19 pandemic.

" Regardless of religion, race, ethnicity, we are together in facing the Covid-19 pandemic. By working together, togetherness in plurality that is contained in the Unitary State of the Republic of Indonesia, I am sure we will be able to get out of this very critical situation, " said Arief. ■

(NANO TRESNA ARFANA/NUR R.)



SHARING INSPIRATION

Constitutional Justice Enny Nurbaningsih was the guest speaker for the Virtual New Student Success Learning Training for the Faculty of Law, Gadjah Mada University, Saturday (12/9) in Jakarta. Public Relations / Ifa Photo.

When you have chosen the path to study law, then love that choice from the start by making it your own choice from the heart. Because it departs from the heart, there will be seriousness and discipline to pursue all stages of the learning journey in the field of law. Those were the opening inspirational sentences uttered by Constitutional Justice Enny Nurbaningsih through the Zoom Meeting application channel in the New Student Success Learning Training (PPSMB) Faculty of Law, Gadjah Mada University (FH UGM) Academic Year 2020/2021 on Saturday (12/9/2020). In the "Inspiring Alumni" session, Enny shared the story of his journey when he was a student at the Faculty of Law UGM, a department that from the beginning had been the main choice for him. Guided by FH UGM lecturer Jaya Triyana as moderator, Enny told that he was exploring his choices as a

student of FH UGM with sincerity. Not only pursuing law study in class, but also being involved in a concrete manner as an activist in various campus activities. When he was a student, Enny chose to join the Student Regiment and became a student representative who was sent to East Timor (now East Leste).

"I am an activist for a student regiment who was sent to Timor Leste. There, mentally tested and the most basic disciplines were actually applied in my journey and experience there and it has stuck with me until now," Enny recalled in an activity that also presented L. Amrih Jinangkung as one of the other alumni who share the story of his life journey as an alumnus of Faculty of Law UGM.

Before joining as a Constitutional Justice, Enny told of his journey when he was part of the National Law Development Agency (BPHN). In the realm of this executive power, Enny,

who is trusted as the chairman, feels that he has the space to express all his thoughts and knowledge gained during his time on campus. At this institution, Enny actually applies legal theory in college to real life in legal guidance.

Furthermore, Enny talked about the initial journey of being elected as a constitutional judge in 2018. As an alumni of the Faculty of Law UGM, continued Enny, the values of spirituality which he will always instill until now and in the future are how to strengthen the integrity of the community. According to Enny, this is important so that he does not injure the value of justice itself. As a constitutional judge, he must maintain the integrity of the Constitutional Court to uphold justice as fairly as possible. Because in this judicial domain, Enny really feels that he is dealing with and dealing with powers, such as the President, DPR, DPD, and others, all of which lead to the legality of a state power. ■

SRI PUJANTI/NUR R



THE CONSTITUTIONAL COURT AUTHORITY'S CROWN

Constitutional Justice Saldi Isra became a resource person in a public lecture held by the Faculty of Law, University of Bengkulu (FHUNIB) through the Zoom Meeting application, Friday (18/9) in Jakarta. Public Relations Photo / Gani.

Constitutional Justice Saldi Isra was a resource person in a public lecture organized by the Faculty of Law, Bengkulu University (FHUNIB) through the Zoom Meeting application, on Friday (18/9/2020). He began his presentation, Saldi explained the power to assess the legal products, the Act is clear evidence to establish a mechanism of checks and balance between state institutions. "If earlier I concluded that there is a civil procedural law, there is a criminal procedural law, there is a public administration that is more (aimed) for

the benefit of citizens," Saldi explained in front of the public lecture participants.

Will however, continued Saldi, testing procedural law Act (judicial review) is to explain the concept of building checks and balances. Furthermore, Saldi said, among the 3 (three) branches of power, namely the executive, judicial and legislative branches of power, they cannot always be clearly separated. According to Saldi, in the parliamentary system, people in the legislature will automatically become the holders of executive power.

Furthermore, Saldi said that judicial review of the Law (UU) is the jurisdiction of the constitutional court. "The key or authority to the crown of the Constitutional Court lies with the judicial review of the Law," he said.

According to Saldi, this was because if there was a norm that was canceled by the Constitutional Court, it would not only apply to the applicant, but also to people who did not submit a petition. However, for concrete cases, there are judges who override the law which only applies to concrete cases. ■

UTAMI ARGAWATI/LULU ANJARSARI



Constitutional Justice Wahiduddin Adams became a speaker in a virtual lecture held by the Sharia Faculty of IAIN Kudus, Friday (18/9) at the Constitutional Court Building. Public Relations Photo / Gani.

MAINTAIN THE CONSTITUTION

Constitutional Justice Wahiduddin Adams was the guest speaker for the Public Lecture with the theme "The Role of the Constitutional Court as the Last Bastion in Maintaining the State Constitution". This activity was organized by the Sharia Faculty of IAIN Kudus in collaboration with the Constitutional Court, on Friday (18/9/2020) virtually.

"Congratulations to all of you as new students of the Syariah Faculty of IAIN Kudus who are entering a challenging academic world. As a result, it is hoped that the students will become intellectuals, scholars, and will also play a role in the life of society, nation and state," said Wahiduddin in front of IAIN Kudus officials, lecturers and new students of the IAIN Kudus Faculty of Sharia.

Wahiduddin motivated the new students with stories of educational journeys and a number of positions entrusted to him. Among them are employees of the National Legal Development Agency (BPHN), Draft Legislation Officer of the Directorate

General of Laws and Legislation of the Ministry of Justice (1990-1995), Director of Harmonization of Legislation and Regulations, Director General of PPU, Ministry of Law and Human Rights (2004), Director of Regional Regulation Planning Facilitation (Echelon IIA), Director General of PPU, Ministry of Law and Human Rights (2004-2010) and Director General of Legislative Regulations, Ministry of Law and Human Rights (2010-2014), and in 2014 were elected as Constitutional Justices who served until now.

Regarding the theme of this public lecture, namely regarding the role of the Constitutional Court in safeguarding the Constitution, Wahiduddin first explained the meaning of the Constitution which is simply the basic law of the state. "Its form is the 1945 Constitution of the Republic of Indonesia. In Middle Eastern countries, the Constitution is called *Dustur*. In Egypt there are *Al-Al-Dusturiyah* Supreme *al' Ulya* or the Constitutional Court. Its authority is no different from the Constitutional Court of the Republic of Indonesia," said Wahiduddin, who

earned his bachelor's degree in Islamic law and master's degree in Islamic law at IAIN Syarif Hidayatullah Jakarta.

Wahiduddin continued, the 1945 Constitution of the Republic of Indonesia (UUD 1945) which is currently in effect is the result of amendments in 1999, 2000, 2001, and 2002. During the discussion of the second amendment to the 1945 Constitution the members of the MPR had discussed the conditions of the legislation. we still have a lot of colonial heritage and are still valid today.

Wahiduddin revealed that the most basic amendments to the 1945 Constitution are regarding the sovereignty of the people. Before the change, sovereignty was in the hands of the people and was fully exercised by the MPR. However, after the changes, sovereignty rests in the hands of the people and is exercised according to the Constitution. In addition, the amendment to the 1945 Constitution sparked the idea of establishing the Constitutional Court of the Republic of Indonesia in 2003. ■

NANO TRESNA ARFANA/NUR R.



THE EMERGENCY CONSTITUTIONAL LAW RECONSTRUCTION

Constitutional Justice Daniel Yusmic P. Foekh as a guest speaker at a public lecture held virtually by the Jayabaya University Law Faculty on Saturday (19/9/2020) through the Zoom application.

Indonesia needs a reconstruction of emergency constitutional law, especially in connection with the current Covid-19 pandemic situation. This was conveyed by Constitutional Justice Daniel Yusmic P. Foekh when he was a guest speaker at a public lecture held virtually by the Faculty of Law, Jayabaya University. The public lecture with the theme "Reconstruction of Government Regulations in lieu of Laws in Emergency Constitutional Law" which took place on Saturday (19/9/2020) through the Zoom Meeting application.

"In my opinion, our constitutional condition related to emergency constitutional law and especially regarding this Perppu needs to be reconstructed. Therefore, the legal system of emergency according to the constitution in 1945 stipulated in Article 12 and Article 22. In each

country, it is always arranged in constitutional law state in the normal state and hukum order a state of emergency. Now I think (the Indonesian state) needs to reconstruct this because it is very relevant to Indonesia's current condition," explained Daniel.

Daniel said, Article 22 of the 1945 Constitution which regulates the President has the right to stipulate a Government Regulation in lieu of a Law if there is a compelling crisis; This Government Regulation must be approved by People's Representative Council (DPR) in the following sessions; and if it does not get approval, then said Government Regulation must be revoked. Article 22 of the 1945 Constitution, he continued, regarding the President's noodverordeningsrecht.

Furthermore, Daniel said, referring to Article 22 of the 1945 Constitution, the president must fulfill the conditions

of "compelling urgency" in establishing a Government Regulation as a substitute for law (Perpu). "However, Article 22 of the 1945 Constitution is interpreted broadly. This can be seen in the decidenti ratio of the Constitutional Court decision Number 138 / PUU-VII / 2009," he said.

Daniel continued kan word "crunch" in Article 22 UUD 1945 has a more dangerous levels when compared to Article 12 of the Constitution 1945. He admits having differing views with other legal experts call that a regulation is not part of the Constitution Article 12 19 45. "I'm a little different from mainstream legal experts who say Article 12 (UUD 1945) does not include the Perppu. The urgency (in Article 22 of the 1945 Constitution) is already at the above stage which is dangerous," he said. ■

UTAMI ARGAWATI/LULU ANJARSARI

DEVELOPMENT OF THE CONSTITUTIONAL COURT'S AUTHORITY

The Constitutional Court (MK) was not given the authority to examine Government Regulations in Lieu of Law (Perpu). However, since 2009 there has been a request for a Perpu examination to the Constitutional Court. The Court, in legal considerations, explained that the Perpu could give rise to binding provisions which are the same as laws. Because of that, the norms contained in the Perpu can be subject to a material review. This was conveyed by Constitutional Justice Daniel Yusmic P. Foekh when he was a resource person at the Advocate Professional Special Education (PKPA) activity. This activity was organized by the Atma Jaya Catholic University of Indonesia Law Kultas (Unika Atma Jaya) and the Peradi Council, on Saturday (19/9/2020) in a network (online / online). Furthermore, Daniel said, the provisions for examining the Perpu provided that the Perpu had not been ratified by the DPR into law. However, if in the process of testing at the Constitutional Court Perpu it has been promulgated by the DPR, then the examination of the case has lost its object. Thus, the petition will be returned to the decision of the Petitioner who filed a trial case. " Since 2009 - 2019 there have been 24 Perpu tests at the Court. This is a form of the development of powers that the Court has. Meanwhile, most of the decisions were unacceptable, withdrawn, and some were dropped, " said Daniel in an activity entitled " The Court's Procedure Law " .

In addition to examining the Perpu, the Constitutional Court in the development of its authority is also tasked with adjudicating disputes over the results of regional head elections (PHP Kada). This authority was exercised by the Constitutional Court until the formation of a special court . In this case, Daniel acknowledged that the settlement of Pilkada cases was very dynamic, so actually an institution

that focuses on resolving cases related to the realm of regional power is needed. "To decide the election result dispute conducted by M K based on Article 22E of the 1945 Constitution. Whereas what is meant by the election is the election of President / Vice President, DPR, DPD and DPRD. That's what the article means. Meanwhile, the Pilkada is part of the regional government which is regulated in other regulations. But in practice, the Constitutional Court is still given this additional authority, " explained Daniel.

In this presentation, Daniel not only explained the materi in one direction, but also opened a room for discussion with prospective student advocates to make rebuttals and ask questions about the material covered in this activity. The question posed by Nicky Akhita Pianaung, for example, asks what the provisions of the dissolution of political parties which are also included in one of the powers of the Constitutional Court are given by law. In response to this, Daniel explained that there are certain provisions that a political party can be dissolved. Daniel admitted that

as long as the Constitutional Court was established, no political party was disbanded because so far there were no political parties whose principles contradicted the ideology of Pancasila and the 1945 Constitution. Until now, explained Daniel, there were only political parties that had joined the party. other politics to qualify for entering parliament.

The next interesting question came from Andre Pratama, who asked about the nature of the Constitutional Court Decision and how was the involvement of constitutional judges in making a decision. Daniel also responded that the Constitutional Court decision was made in an RPH. In it not all judges will always agree. There are judges who have different opinions and this is common in an opinion and presentation of ideas. " If a judge in a case expresses a different opinion, that is normal. Because differences in opinion can arise because they are greatly influenced by the theory and legal principles adhered to by each judge in examining each petition submitted to the Constitutional Court, " explained Daniel. ■

SRI PUJANTI /NUR R



Constitutional Justice Daniel Yusmic was a resource person for the Advocate Professional Special Education activity held by Atmajaya University and the Peradi Council via virtual, Saturday (19/9) in Jakarta. Public Relations / Ifa Photo.



INTERPRET, ACCEPT, AND FOLLOW VARIOUS ACTIVITIES DURING THE PANDEMIC

Signing of the book cover canvas by the Chief Justice of the Constitutional Court Anwar Usman along with Constitutional Justice Saldi Isra, Jimly Asshiddiqie (Chair of the Constitutional Court for the 2003-2008 Period) and the Secretary General of the Constitutional Court M Guntur Hamzah after opening the 2020 MK Book Launch and Book Review, Tuesday (2/9) at the Court Building Hall. Public Relations Photo / Gani.

In the midst of efforts to deal with the spread of Covid-19, it is not an obstacle for the Constitutional Court to continue to hold a series of activities while still prioritizing health protocols. At the end of August to the middle of September 2020, the Constitutional Court interprets the institution's anniversary by launching a number of papers. On another occasion, the Constitutional Court also welcomed and accepted with joy the issuance of state money in the framework of the 75th anniversary of the independence of the Republic of Indonesia , as well as following the 2020 National Sports Day (Haornas) ceremony which was held virtually .

The Launching of 28 Book Titles

In order to give meaning to the 17th birthday of the Constitutional

Court on August 13, the Center for Case Research and Studies (Puslitka) of the Constitutional Court launched 28 books on the theme of law and the constitution. The book launch activity was attended by invited guests online (online / online) and direct resource persons with the implementation of health protocols in the Ground Floor Hall of the Constitutional Court Building on Wednesday (2/9/2020).

The Chief Justice of the Constitutional Court Anwar Usman said in the opening of the event that the launch and review of this book were a series of commemoration of the 17th Anniversary of the Constitutional Court which became the commitment of the Constitutional Court in improving the culture of writing, expressing ideas, experiences, and a form of real contribution to society. With the launch of these books, Anwar hopes

that the works of judges and MK employees will become public literacy. In addition, Anwar also saw the launch of these books as part of realizing the constitutional mandate of educating a nation.

«With the presence of the works of judges and MK employees, Indonesia is able to grow into a developed country with the knowledge and development of published papers, ” said Anwar in front of invited guests, including DPD RI member Jimly Asshiddiqie (Chairman of the Constitutional Court for the 2003 - 2008 period), Minister. Coordinator for Political, Legal and Security Affairs of the Republic of Indonesia, Moh. Mahfud MD (Chairman of the Constitutional Court for the 2008-2013 Period).

On the next occasion, Moh. Mahfud MD as the key speaker said that a legal judiciary institution in Indonesia in

principle and norms should not only produce legal consequences that are normative in nature, but also moral sanctions. According to Mahfud, the existing legal regulations in this country are already good, it's just that the socialization of oral sanctions in law enforcement is still not optimal. For this reason, through the launch of these books on the theme of law and constitution, it is hoped that the role of this judiciary can add to the treasure of service and socialization of moral sanctions to the public in a way that is easy to understand and understand in a concrete way.

Meanwhile, Constitutional Justice Saldi Isra, as part of the constitutional judges who took an active role in realizing the birth of these books, recounted that in March 2020, he made an investment in the manuscript to be published. At that time, Saldi was hesitant to publish books according to the expected target because the activities of the constitutional judges

and MK employees were considered quite high.

However, the wisdom of the pandemic has allowed all parties involved in the process of the birth of these books to have more time to sit down to read and reflect and write works carried by each author. Coupled with the existence of Rajawali Press as a publisher, which provides a flexible space for the revisions of the manuscripts submitted by the authors until finally published.

«The tradition of writing in the Constitutional Court must not stop because without this tradition it will not be possible to produce quality decisions of the Constitutional Court ,”said Saldi.

The Secretary General of the Constitutional Court M. Guntur Hamzah in the activity report stated that the 2020 MK book launch and review was held in commemoration of the 17th Anniversary of the Constitutional Court. The number of books launched was 28 books. Guntur felt that the

launch of this book was very special considering that in the midst of a pandemic and a high level of activity, the Chief Justice of the Constitutional Court Anwar Usman, Constitutional Justice Saldi Isra, and the Chief Justice of the Constitutional Court for the 2003 - 2008 period Jimly Asshiddiqie continued to contribute works. In addition, Guntur admitted that the launch of this book was a simple and meaningful offering made by MK employees in the framework of the 17th Anniversary of the Constitutional Court.

Furthermore, at the book review session, there were speakers such as Padjajaran University Constitutional Law Teacher Bagir Manan, Professor of Constitutional Law at the Islamic University of Indonesia (UII) Ni ' Matul Huda, Senior Editor of Kompas Daily Ninuk Mardiana Pambudy, and Chief Justice of the Constitutional Court for the 2003 Period - 2008 Jimly Asshiddiqie. ■

SRI PUJIANTI / NUR R.





NEW MONEY 75 YEARS OF INDEPENDENCE OF THE REPUBLIC OF INDONESIA

The Chief Justice of the Constitutional Court, Anwar Usman, received symbolically the state money for the 75th anniversary of the Republic of Indonesia which was handed over by Puji Widodo as Public Relations of Bank Indonesia, Tuesday (8/9) at the Delegation Room, Fl. 15 The Constitutional Court Building. Public Relations Photo / Gani.

The Chief Justice of the Constitutional Court (MK) Anwar Usman symbolically accepted the state money for the 75th anniversary of the independence of the Republic of Indonesia. The giving of money with a nominal value of 75,000 was represented by Praise Widodo as the Public Relations of Bank Indonesia, on Tuesday (8/9/2020) in the Constitutional Court Delegation Room. On this occasion, Anwar said that when he was still serving at the Supreme Court (MA), he had visited BI. But now he is being visited by BI. Anwar thanked Bank Indonesia (BI) for visiting the Constitutional Court. « Thank you for visiting here, » he said.

Regarding the provision of 75,000 nominal money, Puji Widodo said that the symbolic money had also been handed over to other state institutions. Puji

explained that the 75th anniversary of the Republic of Indonesia has a philosophy which means to be grateful for independence, which is illustrated by the flag-raising event at the time of the proclamation of Indonesian independence on August 17, 1945, pictures of the Indonesian proclamer Soekarno and Mohammad Hatta, and a picture of the gunung which has a philosophy of opening a new leaf.

Not only that, the new banknotes show several development achievements during the 75 years of Indonesian Independence. In particular, the achievement of development in the infrastructure sector through the images of the Trans-Java Toll Road, Youtefa Papua Bridge, and the Jakarta Integrated Moda Raya (MRT).

It is not enough to stop there, the philosophical value of money is also

decorated with illustrations of children in traditional clothes representing the western, central, and eastern parts of Indonesia which depict the meaning of Bhinneka Tunggal Ika. The appearance of Indonesian culture is also reflected in illustrations of Balinese woven fabrics and Javanese batik and South Sumatra songket. The three of them represent kindness, greatness, and holiness.

The next philosophy, welcoming a glorious future, is described by the Red and White Satellite as the communication bridge of the Republic of Indonesia. A map of Indonesia Gold on a globe that symbolizes Indonesia's strategic role in the global arena, as well as Indonesian children who are described as superior human resources in the era of Advanced Indonesia. ■

UTAMI ARGAWATI/NUR R.



THE IMPORTANCE OF EXERCISE DURING THE PANDEMIC

The Chief Justice of the Constitutional Court attended the 2020 National Sports Day (Haornas) Peak event which was held virtually, on Wednesday (9/9) at the MK Building . Public Relations / Ifa Photo.

Chief Justice of the Constitutional Court (MK) Anwar Usman attended the Summit of the 2020 National Sports Day (Haornas) which was held virtually on Wednesday (9/9/2020) night at the Bogor Palace. The event was attended virtually by a number of high-ranking officials from state institutions and sport branches.

«With this national sports day, it is hoped that all Indonesian people, including the extended family of the Constitutional Court, will increase their sports activities every day. For example, jogging, jogging. Usual tennis, yes tennis. Especially during the Covid-19 pandemic. Hopefully all Indonesian people can rise together to fight Covid-19. Including the big family of the Constitutional Court, of course, you must be enthusiastic and diligent in exercising. Try not to have a day

without exercising, ” ordered Anwar a few moments before joining the online Haornas 2020 Summit.

The summit of Haornas 2020 was attended by President Joko Widodo. In his remarks, the President emphasized that Haornas could be a momentum to arouse the passion for sports in Indonesia. Not only promoting sports, but also boosting athlete performance and developing sports as a forum for introducing tourist destinations in Indonesia.

According to the President, Indonesia's natural beauty is more than sufficient capital to boost sport tourism. Not only that, Indonesia also has art and cultural products that are integrated into sport tourism.

«The opportunities for developing sport tourism will be even greater after the pandemic. People will choose to travel and exercise in

open spaces, in the wild. We must make the best use of this opportunity, ” said the President.

Meanwhile, the Minister of Youth and Sports, Zainudin Amali, stated that currently the Indonesian nation is in a crisis situation, so that it is a challenge for the Indonesian nation to be able to think and take extra ordinary breakthrough steps in order to remain productive and implement disciplinary health protocols. Zainudin also revealed that this year the government, through the Ministry of Youth and Sports, carried three big themes at the peak of the 37th Haornas, namely sport science, sport tourism, and sports industry. “The three big themes are sport science, sport tourism, sport industry. The goal is to improve fitness, while at the same time encouraging sports achievements, and reviving the national economy, ” explained Zainudin. ■

(NANO TRESNA ARFANA/NUR R.)

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