

ABSTRAK

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Program Studi : S.1 Ilmu Hukum

Judul : Penambahan Kewenangan *Constitutional Question* Kepada Mahkamah Konstitusi Republik Indonesia Untuk Menjamin Hak-hak Konstitusionalitas Warga negara

Dua dasawarsa Indonesia telah menyatakan diri untuk mereformasi ketatanegaraan untuk penyelenggaraan Negara yang lebih demokratis. Salah satu bentuk reformasi hukum dalam institusi kekuasaan kehakiman adalah gagasan mengadopsi mekanisme *constitutional question* ke dalam sistem peradilan Indonesia. *Constitutional question* merujuk pada suatu mekanisme pengujian konstitusionalitas undang-undang, yaitu dalam hal seorang hakim yang sedang mengadili suatu perkara ragu-ragu mengenai konstitusionalitas undang-undang yang berlaku untuk perkara tersebut. Skripsi ini membahas mengenai urgensi penerapan kewenangan *constitutional question* dan bagaimana Mahkamah Konstitusi dapat menggunakan kewenangan *constitutional question* di Indonesia. Metode penulisan yang digunakan adalah penulisan yuridis normatif dengan menggunakan bahan kepustakaan. Dari hasil riset ditemukan bahwa terdapat urgensi penambahan kewenangan *constitutional question* di Indonesia. Mekanisme tersebut, dapat menghindari adanya putusan hakim yang melanggar hak konstitusional warga negara; ruang pengujian terhadap peraturan perundang-undangan semakin luas; dan dapat dihindari adanya pelanggaran hak konstitusional yang tidak diperlukan. Bila diterapkan di Indonesia, dasar kewenangan *constitutional question* dapat diatur melalui amandemen konstitusi, revisi Undang-Undang Mahkamah Konstitusi, Putusan Mahkamah Konstitusi, ataupun perluasan legal standing lembaga negara sebagai salah satu pemohon *constitutional review*.

Kata Kunci : *Constitutional question*, Hak Konstitusional, Mahkamah Konstitusi.

ABSTRACT

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Title : *The Addition Of Constitutional Question Authority To The Constitutional Court of Republic Indonesia To Guarantee The Constitutional Rights Of The Citizen.*

Two decades Indonesia has declared it self to reform state administration for the implementation to be more democratic state. One form of legal reform in judicial power institutions is the idea of adopting a constitutional question mechanism into the Indonesian justice system. Constitutional question refers to a mechanism for testing the constitutionality of the law, namely in the case of a judge who is adjudicating a case in doubt about the constitutionality of the law that applies to the case. this thesis would like to examine about the urgency of applying constitutional question and how can the Constitutional Court use the authority of constitutional question in Indonesia. Research method used is normative juridical writing from library materials. the research results found the urgency for the implementation of constitutional question in Indonesia. With the existence of such mechanism, court decisions that are contrary to the constitution and violate the constitutional rights of the citizens can be avoided; the testing material of the legislation becomes expansive; and unnecessary constitutional rights violations can be avoided. If applied in Indonesia, the basis of the authority of constitutional question may be regulated through constitutional amendment, the revision of the Constitutional Court Law, the Constitutional Court Decision, or the extension of legal standing of state institutions as one of the applicants for constitutional review.

Keywords : *Constitutional Question, Constitutional Rights, Constitutional Court.*