

CHAPTER IV

CONCLUSION

4.1 Conclusion

The results of the analysis of this undergraduate thesis research show that the regulation of public participation in the procedure for proposing constitutional judges by the House of Representatives has not provided adequate guarantees of implementation. Although Law No. 7 of 2020 has affirmed the principles of objectivity, accountability, transparency, and participation, these provisions have not been accompanied by clear regulations regarding the form of community involvement, the mechanism for submitting input, and the obligation of proposing institutions to follow up on meaningful public participation . As a result, the implementation of public participation is still highly dependent on the internal policies of the proposing institution so that it has not been able to guarantee an accountable and consistent Nomination process based on the system of the sovereign state of the people.

Furthermore, the results of the analysis provide a conclusion that the regulation of meaningful participation in the process of proposing constitutional judges is part of the main substance related to the legitimacy and accountability of filling constitutional positions such as constitutional judges, so it must be placed at the legislative level. The submission of its general regulation to the internal regulations of the institution causes the weak binding power of norms and opens up too wide a space of authority in its implementation. Thus, it is necessary to strengthen regulation at the legislative level so that meaningful public participation can

function effectively as an instrument supervision while ensuring a process for proposing constitutional judges that is more based on the system of the sovereign state of law.

4.2 Suggestions

The results of the analysis in this study require elaboration from the author to provide operational recommendations based on the problems that are used as the topic in this undergraduate thesis research. The suggestions from the analysis include:

1. Suggestions to lawmakers, in order to discuss the Draft Law on Amendments to the Constitutional Court of the Republic of Indonesia which regulates more clearly the mechanism of meaningful public participation in the process of proposing constitutional judges. The regulation needs to contain the obligation of open announcement of candidates for constitutional judges, providing space for the public to submit input, and the obligation of proposing institutions to consider input in an accountable manner. The clarity of this arrangement is important to provide legal certainty and prevent the implementation of the principle of participation from relying solely on the internal policies of the proposing institution.
2. To the DPR, it is necessary to establish an internal mechanism that ensures the openness of the process of proposing constitutional judges, including procedures for submitting and following up on input from the public. This is necessary so that public participation can run effectively and support the

process of proposing constitutional judges that are more based on meaningful participation.