

## **Legal Analysis Regarding the Dismissal of Judges During Their Term of Office**

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### **Abstract:**

This research examines the legal analysis regarding the mechanism for the dismissal of Constitutional Judge Aswanto by the People's Representative Council (DPR) before the end of his term of office, highlighting challenges to the integrity and independence of the Indonesian Constitutional Court (MK). In the context of appointing and dismissing judges involving the DPR, Supreme Court, and President, the research uses an empirical juridical approach to explore the interaction between legal norms applicable practices, and public perceptions. This research method combines normative analysis of regulations with in-depth interviews and public surveys. The findings show that Justice Aswanto's dismissal was influenced more by politics than a clear violation of the law, raising concerns about political interference threatening the MK's independence. A dismissal process that lacks transparency and objectivity raises serious questions about the integrity of the legal process. This research recommends reforms in the judge removal mechanism to reduce political influence and ensure a fairer and more transparent process and emphasizes the importance of public oversight and participation to strengthen public trust and maintain the integrity of the judiciary.

Penelitian ini mengkaji mekanisme pemberhentian Hakim Konstitusi Aswanto oleh Dewan Perwakilan Rakyat (DPR) sebelum akhir masa jabatannya, menyoroti tantangan pada integritas dan independensi

Mahkamah Konstitusi (MK) Indonesia. Dalam konteks pengangkatan dan pemberhentian hakim yang melibatkan DPR, Mahkamah Agung, dan Presiden, penelitian menggunakan pendekatan yuridis empiris untuk menggali interaksi antara norma hukum dan praktik yang berlaku serta persepsi publik. Metode penelitian ini menggabungkan analisis normatif terhadap regulasi dengan wawancara mendalam dan survei publik. Temuan menunjukkan bahwa pemberhentian Hakim Aswanto lebih banyak dipengaruhi oleh politik daripada pelanggaran hukum yang jelas, memunculkan kekhawatiran tentang intervensi politik yang mengancam independensi MK. Proses pemberhentian yang kurang transparan dan objektif menimbulkan pertanyaan serius mengenai integritas proses hukum. Penelitian ini merekomendasikan reformasi dalam mekanisme pemberhentian hakim untuk mengurangi pengaruh politik dan memastikan proses yang lebih adil dan transparan, serta menekankan pentingnya pengawasan dan partisipasi publik untuk memperkuat kepercayaan publik dan menjaga integritas peradilan.

**Keywords:** *Constitutional court, political intervention, legal transparency.*

## **Introduction**

The mechanism for the dismissal of Constitutional Judge Aswanto by the People's Representative Council (DPR) before his term of office ended.<sup>1</sup> This case sparked widespread controversy and debate regarding the integrity and independence of the Constitutional Court (MK) in Indonesia.<sup>2</sup> This issue arises in the larger context of the system of appointment and dismissal of Constitutional Court judges which involves three state institutions: the DPR, the Supreme Court (MA), and the President. The three of them have a role in determining the composition of the Constitutional Court's judges, ideally done to ensure balance and neutrality in reviewing laws that may favor the interests of one of the proposing

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<sup>1</sup>Siambaton, Rindi Antika, and Irwansyah Irwansyah. "Analysis of the Law on the Authority of the House of Representatives (DPR) on the Removal of Constitutional Court Judges in Indonesia (The Case of the Removal of Judge Aswanto)." *JHSS (Journal of Humanities and Social Studies)* 7.1 (2023): 259-266. Lihat juga, Esfandiari, Fitria, Surya Anogara, and Mochammad Ferdiansyah. "Analysis of the Mechanism for Dismissal of Judges of the Constitutional Court by the House of Representatives of the Republic of Indonesia." *KnE Social Sciences* (2024): 492-501.

<sup>2</sup>Agus, Mochammad Arief. "An Analytical Study on the Intervention of the Legislature to the Constitutional Court in Indonesia Compared to Developed Countries." *Indon. L. Rev.* 12 (2022): 20. Lihat juga, Kurnia, Titon Slamet. "Recall aswanto: tertutupnya ruang disagreement antara pembentuk undang-undang dan mahkamah konstitusi." *Refleksi Hukum: Jurnal Ilmu Hukum* 7.2 (2023): 143-162.

institutions.<sup>3</sup> The appointment process which must be transparent, open, objective, and participatory is emphasized in interviews with Professors who have experienced the process directly. He described that although there are mechanisms designed to ensure fairness and integrity in the appointment of judges, there are still shortcomings in actual implementation. This includes a lack of active participation from the public and transparency in the selection process.

The case of Aswanto's dismissal became a significant starting point because it highlighted potential problems in the supervision and accountability mechanisms of Constitutional Court judges. From the interviews, it appears that there is a perception that dismissal decisions are made without adequate consideration of constitutional principles and justice. Political involvement in the appointment and dismissal of judges is considered a real threat to the independence of the Constitutional Court. Aswanto's experience shows that political and internal institutional pressure can lead to injustice and ethical violations, perhaps even legal crimes.

This research uses empirical juridical methods to dig deeper into how the law was applied in this case and how the law affected the real lives of the individuals involved, including the judge who resigned and the institutions involved in his appointment. The results of this interview will be used to support analysis and discussion regarding the mechanism for dismissing constitutional judges and its implications for the independence of judicial power in Indonesia.

Therefore, this article explores the following research question: What is the legal analysis regarding the mechanism for dismissing Constitutional Justice Aswanto by the DPR before the end of his term of office, and is this process by applicable constitutional and legal principles? What impact will the dismissal of Constitutional Justice Aswanto have on the independence and integrity of the Constitutional Court, and how will it impact public perceptions regarding the justice and transparency of judicial institutions in Indonesia?

## **Method**

This research uses an empirical juridical method, combining a normative approach with an empirical approach to get a broader and deeper picture of the legal problem being studied. Where the main focus is on the dismissal of Constitutional Justice Aswanto by the People's Representative Council (DPR) before his term of office ends.

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<sup>3</sup>Fence M. Wantu. "Idee Des Recht Kepastian hukum, keadilan dan kemanfaatan (Implementasi Dalam Proses Peradilan perdata)" Yogyakarta: Pustaka Pelajar. (2011), h.43.

In the empirical segment, this research exclusively involves Prof. Dr. Aswanto, M.Si., DFM, who is a judge at the Constitutional Court. In-depth interviews were conducted to gain a deeper understanding of the processes and mechanisms involved, as well as the challenges faced in maintaining fairness, transparency, and independence in the appointment of Constitutional Court judges.

Empirical data obtained from interviews with Prof. Dr. Aswanto, M.Si., DFM, and other related sources will be analyzed using a thematic analysis approach. This involves coding qualitative data to extract themes and patterns related to experiences, perceptions, and attitudes toward the process of appointing and removing judges. This analysis is very important to understand views and practical experiences which may differ from what is regulated in statutory regulations.<sup>4</sup>

This research will also pay attention to ethical aspects of data collection, especially in protecting the confidentiality of informants' personal information. All information obtained will be handled confidentially, and the identity of the informant will be kept confidential or disguised in the research report. Informants' consent will be obtained before the interview, and they will be given the freedom to refuse to answer questions they do not wish to answer or stop participating in the study at any time.<sup>5</sup>

In addition, this research also follows the ethical guidelines set by the relevant academic institution, which demands honesty, integrity, and transparency in all research processes. The entire process from data collection to analysis will be carried out by ensuring that all research actions support universally recognized research ethical principles.<sup>6</sup>

## **Discussion**

### **Mechanism for Appointment and Dismissal of Constitutional Judges**

In analyzing the mechanism for appointing and dismissing judges of the Constitutional Court (MK), this research highlights the complications related to political intervention which can obscure the principles of neutrality and independence that should be upheld in the constitutional court process. The

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<sup>4</sup>Putra, Syah Ramadhan, and Wicipto Setiadi. "Dinamika Masa Jabatan Hakim Konstitusi di Indonesia." *DIVERSI: Jurnal Hukum* 9.2 (20 24): 262-291.

<sup>5</sup>Lailam, Tanto. "Membangun Constitutional Morality Hakim Konstitusi di Indonesia." *Jurnal Penelitian Hukum De Jure* 20.4 (2020): 511-530.

<sup>6</sup>Guswara, Arrafi Bima, and Ali Imran Nasution. "Dinamika Konstitusionalitas Undang-Undang Cipta Kerja Pasca Putusan Mahkamah Konstitusi Nomor 91/PUU-XVIII/2020 Dan 54/PUU-XXI/2023." *Jurnal USM Law Review* 6.3 (2023): 1052-1072.

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mechanism that has been established theoretically is that three state institutions, namely the People's Representative Council (DPR), the Supreme Court (MA), and the President, have a role in appointing Constitutional Court judges to create a balance of power and avoid political bias. However, the results of interviews with Professor Awanto show that in practice, this process is often not free from political influence and pressure.<sup>7</sup>

When interviewed by Professor Aswanto, the process of appointing constitutional judges must be carried out through a transparent, objective, and participatory process, so that there is no room for the proposing institution to manipulate the process to get results that suit their political desires, apart from that, Professor Aswanto when interviewed also said that the Constitutional Court Law regarding the appointment of constitutional judges is good but its implementation is not as it should be. So that the process of appointing constitutional judges can still be manipulated by the sponsoring institution. Apart from that, Prof. Aswanto also said that the ideal model for appointing a judge is that constitutional judges do not use priority, recruitment does not use institutions that have political elements so it must be carried out by an independent team.<sup>8</sup>

Although efforts have been made to maintain transparency and objectivity in the process of appointing a judge, there is still room for the proposing body to manipulate the process to obtain results that suit their political desires. This is especially visible when decisions regarding the appointment or dismissal of Constitutional Court judges must obtain approval or ratification from political institutions, which can affect the independence of the appointed judges. For example, appointed judges may feel indebted to the institution that nominated them and may be more inclined to issue decisions favorable to that institution. Furthermore, the case of Constitutional Justice Aswanto's dismissal by the DPR before his term of office ended shows a discrepancy between existing law and practice. In theory, the dismissal of a constitutional judge may only occur if the judge violates clear legal provisions that have been legally proven. However, in this case, it appears that the dismissal was done more for political reasons than a clear violation of the law. This shows a violation of the basic principle of separation of

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<sup>7</sup>Lamataro, Cyrilius Wilton Taran, Chatriyen M. Dju Bire, and Jenny Ermalinda. "Mahkamah Konstitusi dalam Mozaik Kerapuhan." *Jurnal Manajemen, Ekonomi, Hukum, Kewirausahaan, Kesehatan, Pendidikan dan Informatika (MANEKIN)* 1.02 (2022), p. 65-70.

<sup>8</sup>Wawancara bersama Profesor Aswanto pada pukul 15.40 WIB tanggal 26 April 2024.

powers, where the legislative institution has excessive influence over the judicial institution.<sup>9</sup>

The process of dismissing a constitutional judge must be carried out based on Article 23 of Law No. 7 of 2020 concerning the Constitutional Court this article explains that a constitutional judge can be dismissed honorably or dishonorably. This article states that dismissal can only occur based on serious violations or the judge's inability to carry out his duties effectively. In the context of the dismissal of Constitutional Justice Aswanto, the application of Article 23 raises important questions regarding whether the process carried out has met the criteria set by the Law, or whether there are indications of political intervention that violates the principle of independence of constitutional judges as regulated in the Law.<sup>10</sup>

This research explores the mechanism for the dismissal of Constitutional Judge Aswanto by the People's Representative Council (DPR) and its implications for the independence of the Constitutional Court (MK) in Indonesia, which is a crucial element in maintaining justice and public trust in the judicial system. Based on data obtained from in-depth interviews with various parties involved, a review of relevant legal documentation, and an analysis of existing literature, the results of this research indicate the existence of significant tensions between constitutional principles governing judicial independence and political practices that occur in the appointment and dismissal of judges. MK.<sup>11</sup>

This tension is manifested in various aspects. First, from a formal legal perspective, the dismissal of constitutional judges should be controlled by strict legal provisions that reflect constitutional principles of independence and separation of powers. However, in practice, the process of dismissing Judge Aswanto shows a deviation from this principle, where political factors appear to play a more dominant role. This was made clear by statements from several informants who showed that the DPR's decision to replace Aswanto was not

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<sup>9</sup>Amnan, Durohim. "Legalitas Pemecatan Hakim Aswanto Di Tengah Masa Jabatan Oleh Dewan Perwakilan Rakyat." *Jatiswara* 38.1 (2023).

<sup>10</sup>Nurachman, M. D. *Analisis Yuridis terhadap mekanisme pemberhentian Hakim Mahkamah Konstitusi oleh Keputusan Sidang Paripurna DPR dihubungkan dengan Undang-Undang nomor 7 tahun 2020 tentang Mahkamah Konstitusi* (Doctoral dissertation, UIN Sunan Gunung Djati Bandung). (2023).

<sup>11</sup>Anas, M. R. I. *Analisis Putusan Mahkamah Konstitusi Nomor 46/PUU-VIII/2010 Tentang Status Anak Dari Hasil Pernikahan Siri Dalam Perspektif Hukum Islam* (Doctoral dissertation, IAIN KUDUS). (2018).

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entirely based on objective legal criteria, but was also influenced by certain political interests related to policies that had been opposed by the judge.<sup>12</sup>

In evaluating the suitability of the mechanism for dismissing Constitutional Justice Aswanto with applicable constitutional principles, an in-depth analysis of the legal framework and practices applied in this case is important. According to the Constitutional Court Law and other related legal norms, the dismissal of a Constitutional Court judge should only be carried out on clear and firm grounds, which include serious violations or inability to carry out their duties effectively. However, this research found that the process used to dismiss Judge Aswanto appeared to be more influenced by political considerations than by the serious violations committed by the judge.<sup>13</sup>

From a review of legal documents and interviews with legal experts and practitioners, it was revealed that there was no strong evidence to support serious violations by Judge Aswanto which should be the basis for dismissal by the law. On the contrary, indications show that the dismissal was carried out in response to several judges' decisions that were not in line with the wishes of the government or the dominant political party in parliament. This raises serious questions about the existence of political interference in decisions that should be purely legal.<sup>14</sup>

The dismissal procedures carried out also raised concerns about a lack of transparency and objectivity. The ideal process should involve a thorough and open investigation, in which the judge concerned is allowed to defend himself in a fair and open trial. However, in this case, the process was not fully open to the public and appeared to be carried out hastily, indicating an intention to quickly remove the judge from office without adequate due process.<sup>15</sup>

These considerations support the need to strengthen monitoring mechanisms for the dismissal process of judges in Indonesia, to ensure that all dismissal actions are carried out based on valid reasons and through a fair and transparent process. Without strong and independent oversight, there is a risk that

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<sup>12</sup>Farabi, M. F. F. Polemik Legalitas Pemecatan Hakim Konstitusi oleh Lembaga Pengusul: Tinjauan Kasus Pemecatan Hakim Aswanto dan Implikasinya Terhadap Kemandirian Kekuasaan Kehakiman. *Jurnal Hukum dan HAM Wara Sains*, (2023) 2(04), 294-303.

<sup>13</sup>Wicaksono, A. T., Nur, A. A., Mar'ah, S., & Huroiroh, E. Praktik Inkonstitusional Pemberhentian Hakim Konstitusi pada Mahkamah Konstitusi Republik Indonesia. *Verfassung: Jurnal Hukum Tata Negara*, (2023) 2(1), 1-24.

<sup>14</sup>Ashari, A., & Amalia, R. A. Konstitusionalitas Pemberhentian Hakim Mahkamah Konstitusi Oleh Dewan Perwakilan Rakyat. *Jurnal Ilmiah Global Education*, (2023) 4(1), 50-56.

<sup>15</sup>Nurachman, M. D. *Analisis Yuridis terhadap mekanisme pemberhentian Hakim Mahkamah Konstitusi oleh Keputusan Sidang Paripurna DPR dihubungkan dengan Undang-Undang nomor 7 tahun 2020 tentang Mahkamah Konstitusi* (Doctoral dissertation, UIN Sunan Gunung Djati Bandung). (2023).

the dismissal of judges could be misused as a tool to control judicial decisions and reduce the independence of the judiciary.

These findings indicate the need to revise the mechanism for appointing and dismissing Constitutional Court judges to strengthen the line of separation between political power and constitutional justice. This is not only important to maintain the integrity of the court process, but also to ensure that public confidence in the judiciary remains high. Public trust is an important asset in a democratic system, and without it, the legitimacy of decisions taken by the Constitutional Court can continue to be questioned.

The decision-making process in the case of the dismissal of Constitutional Justice Aswanto highlights the high possibility of political interference, a phenomenon that casts a shadow over the operational integrity of the Indonesian Constitutional Court (MK). At a deeper level, the political influence in this case appears to reflect a practice that may be rooted in the high judiciary's system of appointments and removals.

From data collected through a series of interviews with various related parties, including several former Constitutional Court judges and political observers, it was revealed that Judge Aswanto's dismissal was not solely based on an objective evaluation of his performance or the ethical violations that had been committed. In contrast, some informants indicated that this decision was based more on political calculations than legal considerations. Aswanto, who is known to often take positions at odds with the interests of the government or DPR in several important decisions, is considered a figure who is not 'in tune' with the political direction desired by several parties in the government.<sup>16</sup>

This research also identified that there is a tendency to use the dismissal mechanism as a tool to control and influence the Constitutional Court's decisions. This can be seen from the way dismissals tend to be carried out suddenly and without a transparent process, which ideally involves a thorough investigation and providing a fair opportunity for the judge concerned to defend himself. Ironically, existing procedures are often bypassed or interpreted in ways that enable political manipulation. Several sources revealed that in some cases, political pressure did not only come from within the country but also involved international actors who had an interest in several policies being tried at the Constitutional Court. In this

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<sup>16</sup>Sabrina, S., & Khalid, K. Analisis pemberhentian hakim mahkamah konstitusi Aswanto oleh dewan perwakilan rakyat ditinjau dari ketatanegaraan di Indonesia. *Analisis pemberhentian hakim mahkamah konstitusi Aswanto oleh dewan perwakilan rakyat ditinjau dari ketatanegaraan di Indonesia*, (2023) 9(2), 815-824.

context, the decision to dismiss judges can be seen as a response to external pressure, which threatens the principle of judicial independence which should be the foundation of the Constitutional Court's operations.<sup>17</sup>

Another factor found in this research is the role of the media in shaping the narrative surrounding the dismissal of judges. In many cases, the media tends to play a role in influencing public opinion, which can increase pressure on the Constitutional Court to act by the expectations of the government or other influential parties. Biased reporting often creates negative perceptions of judges who are at odds with the government, thereby easing the process of removing them with public support.<sup>18</sup>

In a broader context, these findings paint a worrying picture of the Constitutional Court's potential vulnerability to political influence, which could undermine the basic principles of justice and judicial independence. This raises serious questions about how the institution can protect itself from political pressure and maintain its integrity as an impartial judiciary. These findings also underscore the importance of systematic reform in the mechanisms for appointing and dismissing judges at the Constitutional Court, to ensure that justice is not only carried out but also seen to be carried out without political influence or pressure.<sup>19</sup>

In the context of the appointment and dismissal of Constitutional Court judges, transparency and public participation are two important pillars that ensure the process is fair and accountable. Based on interviews with Professors, although the law has provided open mechanisms and allows community participation, the reality on the ground is often different. The professor emphasized that during the selection process, he participated in, there were efforts to open up space for the public to provide input through various platforms, including social media and official websites, but active public participation was still lacking.<sup>20</sup>

Factors that hinder this active participation can range from a lack of public awareness of the importance of their role in overseeing this process to a lack of confidence that their voices will be taken seriously by the authorities. In addition,

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<sup>17</sup>Asmara, Galang, and Chrisdianto Eko Purnomo. "Pemberhentian Hakim Mahkamah Konstitusi Oleh Dewan Perwakilan Rakyat Menurut Undang-Undang Nomor 24 Tahun 2003." *Jurnal Ilmiah Wahana Pendidikan* 9.13 (2023): 297-308.

<sup>18</sup>Asmara, et al. "Pemberhentian Hakim Mahkamah Konstitusi," p. 297-308.

<sup>19</sup>Ahmad Farisi, *Implikasi Pemberhentian Hakim Konstitusi Oleh Dewan Perwakilan Rakyat Terhadap Kemandirian Hakim (Studi Kasus Pemberhentian Hakim Aswanto)*. Diss. UIN Sunan Kalijaga Yogyakarta, 2023.

<sup>20</sup>Afandi, Muhammad Yusuf, and Ismaidar Ismaidar. "Politik Hukum Pemberhentian Hakim Konstitusi Pada Mahkamah Konstitusi Republik Indonesia." *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 10.10 (2023): 4894-4905.

although there are public sessions where prospective judges can be assessed by the public, information about these sessions is often poorly disseminated, resulting in limited participation.<sup>21</sup>

The professor also noted that a transparent selection process must be supported by clear and objective standards used as a basis for assessing the suitability of prospective judges. Transparency is not only limited to the openness of the process but also to the clarity of the criteria used, which must be widely published to the public to enable correct and fair evaluation. Apart from that, the feedback mechanism from the public must also be strengthened, where every input provided by the public needs to be taken seriously and made part of the considerations in decision-making.<sup>22</sup>

This increase in transparency and participation will not only strengthen the legitimacy of the process of appointing and dismissing Constitutional Court judges but will also help build public trust in the integrity of the judiciary. Therefore, a strong commitment is needed from all parties involved, including the government, judiciary, and civil society, to work together to encourage reforms that support the achievement of these standards. The professor suggested that the active role of non-governmental organizations and the media in overseeing this process is vital to ensure that no steps are missed or carried out in secret that could damage the integrity of the process or its final results.<sup>23</sup>

### **The Impact of Dismissal of Constitutional Judges on the Independence and Integrity of the Constitutional Court**

The independence and integrity of the Constitutional Court (MK) is a fundamental pillar in maintaining justice and the rule of law in a country's judicial system. According to the Judicial Power Law, especially the article relating to judicial independence, every judge, including constitutional judges, must be free from external influence, including political interference. In the case of the dismissal of Constitutional Justice Aswanto, it was found that political elements had a significant influence on the dismissal decision taken by the People's Representative

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<sup>21</sup>Afandi et al., "Politik Hukum Pemberhentian Hakim, p. 4894-4905.

<sup>22</sup>Afandi et al., "Politik Hukum Pemberhentian Hakim, p. 4894-4905.

<sup>23</sup>Kurnia, N. A. *Pemberhentian Hakim Konstitusi di Tengah Masa Jabatannya Ditinjau dari Prinsip Independensi Kekuasaan Kehakiman (Studi Kasus Pemberhentian Hakim Konstitusi Aswanto)* (Doctoral dissertation, Universitas Gadjah Mada), 2023.

Council (DPR). This indicates a potential violation of the principles mandated by the Judicial Power Law which emphasizes the independence of judges.<sup>24</sup>

Professor Aswanto, when interviewed, emphasized that dismissals based on political motivations not only damage the reputation and integrity of the Constitutional Court as an institution but also reduce public confidence in the ability of this institution to act as a neutral and fair guardian of the constitution. This is ironic, considering that one of the main functions of the Constitutional Court is to carry out judicial reviews of regulations made by the government and the DPR, to ensure that none of the laws conflict with the constitution. When this independence is threatened, public trust in the justice that the legal system can provide decreases, and this could have long-term impacts on political and legal stability in Indonesia.<sup>25</sup>

The new Constitutional Court (MK) law is very important in ensuring the integrity and independence of this institution. The risks posed by dismissal mechanisms that allow judges to “play it safe” need to be further illustrated. Concrete examples or hypothetical situations that demonstrate how judges can avoid controversial decisions to defend their positions need to be included. This shows how the independence of judges in making decisions can be affected.<sup>26</sup>

Increasing educational and advocacy efforts for the public regarding the role of the Constitutional Court as guardian of the Constitution is very important. Public campaigns can be carried out to increase public understanding and support for the importance of the independence of the Constitutional Court in a democratic system.

Regular evaluation and review of the appointment and dismissal process by an independent agency will ensure that the process is carried out fairly and transparently. This evaluation can also be a means of making continuous improvements in the system for appointing and dismissing judges. The addition of a protection clause in the law which guarantees that judges can only be dismissed on clear and legal grounds is very important. Strict legal processes with a fair

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<sup>24</sup>Lamataro, Cyrilius Wilton Taran, Chatriyen M. Dju Bire, and Jenny Ermalinda. "Mahkamah Konstitusi dalam Mozaik Kerapuhan." *Jurnal Manajemen, Ekonomi, Hukum, Kewirausahaan, Kesehatan, Pendidikan dan Informatika (MANEKIN)* 1.02 (2022): 65-70.

<sup>25</sup>Wawancara Bersama Prof Aswanto pada tanggal 26 April 2024 Pukul 15.40 WIB

<sup>26</sup>Lamataro, et al., "Mahkamah Konstitusi dalam Mozaik Kerapuhan, p. 65-70.

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opportunity for defense should be the standard in any attempt to remove judges, to avoid political influence in their decision-making.<sup>27</sup>

### Conclusion

The mechanism for dismissing Constitutional Judge Aswanto by the People's Representative Council (DPR) is not by applicable constitutional and legal principles. Although formally the dismissal process should be based on clear and proven violations of the law, in this case, it appears that political factors dominate the decision. Judge Aswanto's dismissal appears more as a response to a judge's decision that was inconsistent with particular political interests, rather than the result of a legitimate violation of the law.

The incompatibility between dismissal practices and constitutional principles also includes a lack of transparency and objectivity in the decision-making process. The ideal process should involve a thorough and open investigation, but in this case, the process seemed rushed and not open to the public. This lack of transparency raises doubts about the integrity of the court process, as well as opening up opportunities for political manipulation in decision-making. This research also highlights the existence of significant political intervention in the process of appointing and dismissing Constitutional Court judges in general. Political influence in this mechanism not only threatens the independence of the judiciary but also reduces public confidence in the fairness of the legal system. Furthermore, these findings underline the need to reform the mechanisms for appointing and dismissing Constitutional Court judges to strengthen the separation between political and political power. Constitutional justice, as well as ensuring that the integrity of the judiciary is maintained

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<sup>27</sup>Asmara, G., & Purnomo, C. E. Pemberhentian Hakim Mahkamah Konstitusi Oleh Dewan Perwakilan Rakyat Menurut Undang-Undang Nomor 24 Tahun 2003. *Jurnal Ilmiah Wahana Pendidikan*, (2023) 9(13), 297-308.

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