



Reconstruction of Norm in Selection System of Constitutional Court Judge Candidates from the Perspective of the Paradigm of Prophetic Law

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Article	Abstract
<p>Keywords: Selection system; Constitutional Court; Judges; Perspective; Prophetic Law</p> <p>Article History Received: Mar 17, 2022; Reviewed: Mar 30, 2022; Accepted: Apr 12, 2022; Published: Apr 15, 2022</p>	<p><i>This article aimed to discuss the selection system of Constitutional Court Judges in Indonesia. The standardization of the recruitment system in the selection of candidates for Constitutional Court judges performed by DPR, the President, and the MA has varied due to multi-interpretations of the provisions of Article 20 (1) & (2) of Constitutional Court Law, contrary to the fact that the Third Amendment to Constitutional Court Law sets forth the mandate to selection committees. The model of the recruitment system has not been constitutionally optimal, while the process mechanism should meet transparency (involving public knowledge), participation (getting the public involved in every process), objectivity (competency-based), and accountability. However, several recruitment practices have overlooked those principles, urging further evaluation of the recruitment to take place comprehensively. One gate system in the recruitment with the assistance of the selection committees seems to be inevitable and simultaneously serves as the solution to reconstruct the system into a more standardized one in the time to come. Moreover, the selection committees must be true statesmen since they hold the authority to verify and select other statesmen as the candidates for the recruitment. The involvement of credible, professional, objective, transparent, and participative selection committees is expected to help achieve legal objectives and intent as wished by the constitution and to bring about the spirit of the prophetic law that serves as the core of the subject matter.</i></p>



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INTRODUCTION

The subject matter of the 1945 Constitution of the Republic of Indonesia (henceforth referred to as UUD 1945) following amendments has led to the emergence

of new state institutions such as Constitutional Court, and such a provision is well reflected in the section of judicial authorities (Basuki, 2011). Constitutional Court established as a state institution is designed to guard the constitution within the purview of constitutional democracy (Al-Fatih, 2018).

The urging necessity of the Constitutional Court as an independent state institution to perform judicial authorities is juridically governed in Law Number 24 of 2003 in conjunction with Law Number 8 of 2011 in conjunction with Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning Constitutional Court. Not only does Constitutional Court exists to guard and interpret the constitution, but it also serves as the guardian of democratic processes (the guardian and the sole interpreter of the constitution, as well as the guardian of the process of democratization) (Simamora, 2016).

Owing to the extensive and honourable authorities of the Constitutional Court in Article 24C UUD 1945, the official positions of Constitutional Court judges require individuals with high constitutional competence and integrity. The candidates for constitutional court positions must demonstrate integrity, respectable personality, justice, the quality of statesmen with competence in constitution and state administration and must not hold double official positions. The Nine Judges of the Constitutional Court with their competence in law must be able to demonstrate high competence in interpreting and guarding the constitution, and they must be capable of delivering excellent court decisions with no likelihood of partiality for certain parties in all cases of disputes. The recruitment of constitutional court judges must comply with the principles of transparency, accountability, and professionalism.

The proposal mechanism given for the selection of constitutional court judges comes from the three representatives of the MA (henceforth referred to as MA), three from House of Representatives (henceforth referred to as DPR), and three from the President. The process of such recruitment recommended by each high institution of the state represents three authoritative centre's in the check and balance system (Simamora, 2016). State power needs to be regulated, restricted, and controlled to hamper any likelihood of abuse of authority committed by statesmen or individuals holding positions in state institutions. The inception of the Constitutional Court was marked by the existence of knowledgeable and experienced judges within the constitutional purview, and this is expected to lead to breakthroughs and the manifestation of substantive constitutional justice to position the Constitutional Court as a reliable institution for the members of the public to get their constitutional right (Barus, 2017).

Looking closely at the provisions of Constitutional Court Law, especially those regarding the mechanism of selecting Constitutional Court judges, flexibility applies, meaning that this norm gives the right to authorized bodies such as the President, DPR, and MA to independently set the mechanism of the selection of Constitutional Court judges. This matter is outlined in Article 20 (1) stating that provisions on the selection, recruitment, and recommendation of Constitutional Court judges are governed by each authorized institution. This article indicates that flexible norm

applies to the process of the selection set by each institution in compliance with transparency, participation, objectivity, and accountability principles.

The provisions in the statute concerned imply that the selection of Constitutional Court judges must be performed accountably and transparently, but this phrase is likely to be interpreted differently by each institution in terms of the process of the selection (Fajriyah, 2015). This multi-interpretation is believed to have triggered varied recruitment processes. A proposing institution may demonstrate a different selection mechanism, where the selection process is absolute and performed internally by the institution concerned. The selection sometimes involves selection committees with different characteristics. Some committee members serve as an integral part of the proposing institutions, and some other institutions form their own selection team consisting of external parties including academicians, practitioners, and ex-constitutional court judges (Marzuki, 2010).

The standards of the selection system, however, have raised debates (Indramayu et al., 2017), especially regarding matters of the principles of selection of Constitutional Court judges. This form of debate can be found in various papers and scientific journals that criticize before the third amendment to the Constitutional Court Law was passed, namely; 1). Susi Dwi Harijanti, *Pengisian Jabatan Hakim: Kebutuhan Reformasi dan Pengekangan Diri*, Jurnal Hukum IUS QUIA IUSTUM No. 4 Vol. 21 Oktober 2014, FH. UNPAD Bandung. 2). Mira Fajriah, *Refraksi & Alinasi Pengangkatan Hakim Konstitusi*, Jurnal Konstitusi Vol. 12 No. 2, Juni 2015. Danang Hardianto, “*Hakim Konstitusi adalah Hati dalam Tubuh Mahkamah Konstitusi?*”, Jurnal Konstitusi, Volume 11, Nomor 2, Juni 2014. 3). Indramayu, Jayus, Rosita Indrayati, *Rekonseptualisasi Seleksi Hakim Konstitusi Sebagai Upaya Menwujudkan Hakim Konstitusi yang Berkualifikasi*, e-Journal Lentera Hukum, FH. Universitas Jember Volume 4, Issue 1 (2017). The recruitment system and its implementation by each state institution have been in the spotlight following two corruption (initials AM and PA) cases by irresponsible Constitutional Court judges. These cases have left a stain on the quality, performance, and dignity of judges in the Constitutional Court. From this issue, the urgency forced to improve the selection system to produce excellent judges has been questioned.

Some experts view that the selection processes have not met the principles mandated by the Constitutional Court law (Ni'matul Huda, 2013). Moreover, the transparent selection model through selection committees is deemed the most ideal since this model is believed to be congruent with the principles of transparency, participation, objectivity, and accountability although they spark disuniformity in the implementation (Gustama et al., 2022). This transparent selection of the Constitutional Court judges also triggers inappropriateness since UUD 1945 assertively implies that the judges for Constitutional Court must be statesmen and, thus, the recruitment process for the judges must be set superior or high profile over other positions. However, such a transparent selection process is likely to reduce the dignity of the position of the judges.

The main problem in the selection process for prospective Constitutional Court judges carried out by the three institutions (DPR, President & MA) is not uniform.

The transparent, accountable and participatory provisions stipulated in the Constitutional Court Law are not implemented in detail in the recruitment and selection system. The selection process for constitutional judge candidates is a fundamental issue and is the spearhead, because the results of the selection process stages will influence and produce the best judges, and best decisions. Therefore, the urgency of the selection system mechanism as the main entry point for the election of constitutional judges with the quality of statesman and integrity. The above elaboration indicates that there have been some concerns in academic scopes about fundamental philosophical, theoretical, juridical, historical, and political issues that wait for analyses to give several alternative solutions.

METHODS

This is legal normative research based on library research and using an approach to the problem under study by referring to the legal norms contained in the legislation in Indonesia and using other legal materials (Hutchinson & Duncan, 2012). Several research approaches are used, such as the approach of philosophical, conceptual, statutory, and historical approaches (Tan, 2021). All of the legal materials such as primary, secondary, and tertiary materials were further processed and analysed based on philosophical-juridical analysis methods (I Dewa Gede At, 2017).

RESULTS AND DISCUSSION

A portrait of the implementation of the selection system of Constitutional Court judges in the constitutional system of the Republic of Indonesia

The selection system of Constitutional Court judges complies with the provision of Article 24 C Paragraph (3) and (5) of UUD 1945. The mechanism for selecting candidates for constitutional judges is based on the provisions of Article 20 paragraph (1) of the Constitutional Court Law. The article is an open policy by the proposing institutions (President, DPR, and MA) in selecting candidates for constitutional judges. The reality in the implementation of the selection system of each proposing institution interprets and implements differently in applying the elements of statesman requirements as candidates for constitutional judges. This is due to the open interpretation of Article 20 (1), some use the Selection Committee team (henceforth referred to as Pansel), direct appointments, and even the existence of the Pansel team as a formality. Therefore, these norms need to be reconstructed to become more rigid. The standards of the selection proposed by the three representatives of the President, the three from DPR, and the three from the MA are official and formal in the recruitment. A check and balance mechanism among institutions is intended to supervise and control or is complementary to one another (Lay & Savirani, 2000).

Article 24C Paragraph (5) of UUD 1945 implies that the required standards of the recruitment involve integrity, respectable personality, justice, statesmen with constitutional competence and knowledge about state administration, and these standards require candidates with no double state official positions. The formation of the Constitutional Court judges constitutionally and juridically consists of the nine

constitutional judges that must demonstrate competence in law, excellent capability to interpret and guard the constitution, and capability to deliver excellent court decisions that are impartial in all cases of disputes. The recruitment system serves as the main entrance gate for candidates of excellent constitutional court judges with integrity. However, the implementation of the recruitment of constitutional judges performed by the three state institutions (President, DPR, and MA) tends to vary. The executive element, the President, once directly appointed judges and formed a team. The DPR conducts a fit and proper test, followed by voting, while the MA conducts a closed session of selection.

Article 19 of Law Number 8 of 2011 governs the principles that should serve as the bases for the selection of constitutional judges. The first principle constitutes transparency and participation, where the former gives related parties access to information on the processes and results of events. Citizens also have the right to give responses, encourage criticism, and conduct an evaluation of the governance (Solechan, 2019). The right to obtain information as active participation in improving and managing the state should comply with existing rules, moral, and social standards. Thus, the openness of information on mass media represents *conditio sine qua non* which is seen as participation and transparency.

The second principle involves objectivity and accountability, implying that final results and events must be reported and accountably presented to the members of the public appropriately and honestly with the support of complete data/information. This concept is compulsory recalling that governmental events always lead to great influences and events like this are funded with public money, making it necessary for all events to be performed accountably. Still, the fruitfulness or failure of the events has to be reported accordingly (Solechan, 2019). The standards of the selection of the candidates for constitutional court judges should comply with the fair play principle that requires all parties in the selection to be neutral and objective and none could manipulate the time.

All those principles are expected to support the recruitment processes for certain accountability to citizens (Wijayanti et al., 2015), especially regarding the quality of judges and all the costs spent on the recruitment. These principles serve as the benchmark in the selection of candidates for Constitutional Court judges conducted by each state institution concerned. This is intended to avoid any inappropriateness of the recruitment processes that may be laden with “political possibilities”.

The disparity in the implementation of the recruitment is not only common among the institutions involved and the institutions do not have specific regulations concerning the selection of the Constitutional Court judges (Hardianto, 2014). This absence leaves a loophole for the political configuration of the recruitment processes in each state institution, ruling out the fundamentals and principles of transparency, participation, objectivity, and accountability (Indramayu et al., 2017) and making the authority of the state institutions dominant.

Specifically, the qualities the candidates have to demonstrate for the recruitment of Constitutional Court judges involve integrity, independence, impartiality, and

competence (Wantu et al., 2021), all of which serve as cumulative obligations, not as an alternative nor the judges' right. The right holders are justice seekers in line with international principles implying that fair justice allows the parties concerned to be tried by judges that are independent, impartial, competent, and demonstrate integrity.

This selection referring to four main requirements is not an easy task. The administrative requirement may not be hard to perform, but not for integrity, justice, and statesmanship principles, indicating that this selection must be performed transparently and participatively (Harijanti, 2014). The process of the system of the recruitment of Constitutional Court judges with the openness that allows public participation to take place from the start to finish is expected. However, the reality is that not all selections of the judges are deemed transparent and participative, leading to the possibility of emerging abusive power from legislative, executive, and judicative powers which prioritize group interest over the public interest.

The above elaboration indicates that there are at least three primary matters causing disparities between recruitment systems for the candidates of constitutional judges: first, the absence of assertive law that meets the principle of implementation; second, the lack of vivid recruitment standards; third, political interests that allow any chance of abusive power to take place. All these three primary matters spark urging the need for innovation in norm reconstruction, indicating all the state institutions involved have to cling to the standards of the recruitment system accordingly under any circumstances, at any time, and in any chambers.

Reconstruction of the norm of the selection system for the candidates of Constitutional Court Judges from the perspective of the prophetic law paradigm

The judges of the Constitutional Court are highly selected judges who fit the requirements. The judges must not breach the trust given by people by conducting criminal offenses or violating ethics. The orientation of the selection of excellent judges must adhere to the existing principles to allow credible process at all corners.

Imam al Mawardi, in his work entitled *al Ahkam as Sutaniyah*, opined that being a judge is an honourable position, where the judge has to uphold the principle of truth in running his/her tasks. A judge, in a general scope, is defined as an implementer of a statute or law (Priyanto, 2005). A judge performs and manifests justice within his working area at court and tackles obstacles to bring about justice required by statute. Behavioral guidelines and the moral essence must also be upheld in running the professional judicial function and in terms of the relationship with society outside the office. The system of ethics must serve as the guideline for judges to complete their tasks and run their functions when they perform their professional duties (Sumirat, 2020).

In terms of judicial professional ethics, Moh. Mahfud MD elaborates on the essence of a moral aspect approach, implying that the judicial corruptness in Indonesia is not due to political interference and executive power, but is rather triggered by moral issues. The integrity of the structure of coaching for law enforcers should be congruent

with the betterment of the morality of law enforcers, especially judges. Their morality needs guarding through the provisions of the selection system that renders moral one of the primary requirements. This indicates that early education on professional ethics in every education institution responsible to produce law enforcers needs to be taken into account (Fitriana, 2015).

Taverne once uttered, “give me an honest and intelligent prosecutor, an honest and intelligent judge to help me deliver the justest decision under the poorest statute”. Judges are shaped from the best-selected candidates educated under the strictest and most excellent system, and their knowledge never stops learning to help sharpen their expertise. Judges must be exposed to countless experiences of multi-dimension in varied scopes and go through endless religious influences to shape them into individuals with integrity that always withstands the temptation of money, power, and other worldly influences. Judges are required to keep sharpening their wisdom and intuition of justice, and to stay sensitive in delivering decisions (Rishan, 2019).

Apart from the best judge of the world, God the Almighty, ideal criteria for judges must exist. Judges are required to be highly knowledgeable, to fully comprehend legal science, to be just, independent, “clean”, statesmen, and to have decent spirituality, and checking judges’ track records is the key to finding out their morality, including their connection to environment or family. Track records could also reveal how judges behave when they are involved in politics and their backgrounds in other professional positions. Thus, the model of the standardization of statesmanship is essential in reconstructing the norm of the selection system, like designing the logical, real, and applicable standards accepted by all groups of people.

Judges must adhere to appropriate values to take action, referring to independence, impartiality, integrity, propriety, equality, competence, and diligence. All these principles are outlined in the code of conduct and the Judicial Conducts of the Constitutional Court of Indonesia (Sapta Karsa Utama) adjusted to the legal system in Indonesia and the life ethics of the state as stipulated in the provision of the People’s Consultative Assembly (MPR) Number VI/MPR/2001 concerning life Ethic of the State that is still in place. Judges must also understand the values living in a society in Indonesia such as wisdom.

These principles are highlighted in Article 24 C Paragraph (5) of UUD 1945 and these are further regulated in several articles in Law Number 48 of 2009 concerning Judicial authorities. Constitutional Court judges must be competent in performing their tasks and adhere to all the existing ethics. Congruent with this provision, Article 11 of the Beijing Statement of Principles of the Independence of the Judiciary in the LAWASIA Region (Beijing Principles) implies that the appointment of candidates for constitutional judges should consider the competence and the integrity of the candidates that are capable of withstanding the influences coming from other parties. Thus, the recruitment of judges must be strictly performed and it must ensure that there are no intervention and political influences.

The urging condition that triggers the reconstruction of the norm of the selection of Constitutional Court judges aims to involve the participation of the members of the

public, to allow the constitution to run properly, and to restrict the likelihood of arbitrariness of the government (Bahrudin, 2020). The essential and urging norm reconstruction needs to be performed because the recruitment system has been deemed to have failed to meet proper principles. The urgency of amending the substance of the mechanism for the appointment of constitutional judges in Article 20 paragraph (1) of the Constitutional Court Law is a necessity in the framework of constitutional democracy. Therefore, better formulation of the recruitment system is expected to be better in the time to come, and this measure is intended to protect the dignity of the Constitutional Court, and strengthen and build the trust in the Constitutional Court. This is not possible to bring it to reality without maintaining the personal quality of each and every reliable and trusted Constitutional Court judge based on the spirit of prophetic law (namely the transcendental process (*tukminuna billah*), the humanization process (*amar ma'ruf*), and the liberalization process (*nabi munkar*)) to help enforce transcendent justice (Malian, 2010).

The phrase prophetic, which means prophethood, places revelation (al-Qur'an) and hadith (as-Sunnah) as the main sources of law. The al-Qur'an and as-Sunnah were then used as the basis for the entire building of prophetic law. Prophetic law is the knowledge of law whose paradigm, basic assumptions, principles, teachings or theories, methodology, structure of norms, are built on the epistemological basis of Islamic teachings sourced from the al-Qur'an and as-Sunnah. The prophetic paradigm has 3 stages or processes, namely the transcendental process (transformed into *tukminuna billah*), the humanization process (transformed into *amar ma'ruf*), and the liberalization process (transformed into *nabi munkar*). the Indonesian context in accordance with the nation's philosophy contained in the five pillars of Pancasila. Transcendental which is centered on spiritual values can be elaborated in the first principle of "Belief in One Supreme God" (Dewi & Dkk, 2020). Humanization which means humanity can then be matched with the second principle of "Just and Civilized Humanity", while liberation will then be associated with the principle of justice so that humans are free from misery and get guaranteed legal certainty, this is in accordance with the fifth principle "Social Justice for All People Indonesia" (Malian, 2010).

To achieve a recruitment system that meets the principles of participation, accountability, transparency, and objectivity. The approach to the paradigm of prophetic law serves as fundamental for the committees involved in the selection process to recruit the candidates of Constitutional Court judges that demonstrate integrity, respectable personality, justice, and serve as statesmen who are knowledgeable about constitution and state administration, and more requirements in the legislation to fulfil will ensue.

The paradigm of prophetic law (Asyikin, 2020) should serve as the soul and guideline for all Constitutional Court judges to ensure that the dignity and performance of the constitutional institution are well maintained. The constitutional court must be ensured that it is often guarded and on the right path. Thus, a proper and standard mechanism must be ensured in the process of the selection of candidates for Constitutional Court judges. These judges are required to demonstrate the capacity to

guard and keep the constitution. The constitutional judges must have the skill to resist temptation in terms of money and influences coming from certain political interests. Failure to resist temptation will put judges in a position where they may jeopardize their official position, institutional credibility, and the dignity of the constitution.

The implementation of the mechanism standard of the selection of new judges of constitutional courts determines the selected judges, and appropriate processes of the selection give the expected output. This mechanism can be implemented in the formation of ad hoc selection committees that is imperative to the President, DPR, and MA in the selection of the candidates for Constitutional Court judges. The need for rigid parameters and transparent structure and mechanism of the committee formation and the planned procedure are all expected to narrow down the scope of interpretation in each institution concerned. It seems that the provisions outlined in the revision of Constitutional Court Law will form the mechanism of the selection according to the system and parameter of assessment that refers to the same standards. The objective and accountable principle can be appropriately applied. The selection committees in each institution are formed in a way that they run their function only when they are needed. The selection committees cannot represent the integration of all the institutions, and such a formation is intended to ward off intervention and the likelihood of shrinking authorities among institutions involved in the selection. The formation of selection committees in each institution could suppress the conflict of interests that may arise in each stage of the selection, and it is to ensure that the standardization of the selection product set forth in Article 24C paragraph (3) of UUD 1945 does not have to encounter any confusion.

The mechanism of the system of selection of the candidates for Constitutional Court (in Constitutional Court Decision Number 1-2/PUU-XII/2014 on Judicial Review of Law Number 4 of 2014 Concerning Constitutional Court) judges has complied with Article 20 Paragraph (1) and (2) following the third amendment to Constitutional Court Judges. These articles have served as the door to the open policy for the three institutions (President, DPR, and MA) in the selection of the candidates for the new judges. However, the reality bears different implementations and interpretations of the selection system in three institutions, resulting from free interpretations of Article 20 Paragraph (1) and (2); some use the selection committees, some committees are directly appointed, and some committees may only exist to fulfill formality. Thus, reconstructing the norm into a rigid one is suggested. The flexibility that has been existing has caused the mechanism of the selection system to tend to change over time, adjusting to the dynamic and the interest of the regime of particular institutions.

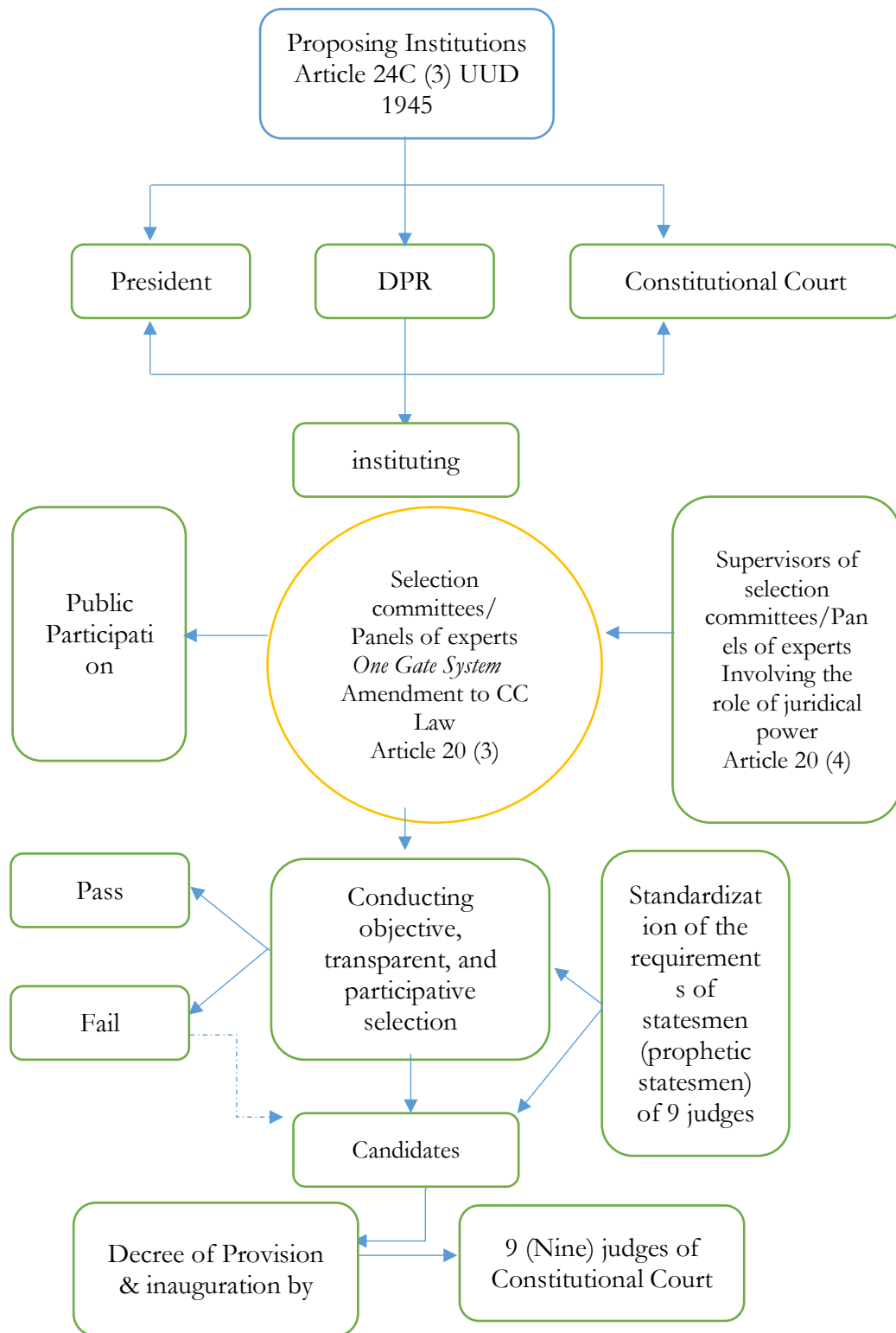
The existence of Article 20 Paragraph (2) of Constitutional Court Law is deemed a blunder in terms of its connection to Article 25 of UUD 1945 and Article 35 of Law concerning Judicial Authorities. The third amendment to the Constitutional Court Law should be appropriately accommodating and up to the standard, but the reality seems to go another way. Therefore, the moment of selecting the candidates for constitutional court official positions often triggers new problems due to the absence

of accepted standards. The essence of law reform is intended to provide legal protection for the dignity of the statesmanship of judges. This notion is in line with the thought of Anthoni Allot believing that law reform will stay effective as long as its existence and implementation are capable of averting any jeopardizing acts and eliminating chaos. Effective law must have the capacity to bring about what is planned (Langbroek et al., 2017).

Amendment to the substance of the regulation of the selection mechanism needs to take place, especially for Article 20 Paragraph (2). This measure should be the most significant juridical alliance to assemble back the unity of the context of the selection mechanism in Constitutional Court judge recruitment. On the contrary, the insertion of accountability, participation, objectivity, and transparency principles seem only complementary. The knowledge of constitutional democratization that the candidates must have must be rigidly set forth in the regulation concerning the selection of Constitutional Court judges. Constitutional Court Law should state the provision implying that the selection of Constitutional Court judges by ad hoc selection committees should follow one gate system. This all requires the unity of perspectives from the MA, DPR, and the President to ensure that the legal objectives of the original intent of UUD 1945, Law concerning Judicial Authorities, and Constitutional Court Law are manifested.

Forming selection committees or panels of experts in the selection process through cooperation among the three institutions concerned is inevitable. Selection committees are ad hoc and refer to one gate system (so that in practice there are no longer judges who are affiliated to one of the proposing institutions but have actually carried out their independent role and spirit of statesmanship); they are independent (despite the fact that they are formed by the proposing institutions) and supportive of the tasks and authorities of the President, DPR, and MA. Supervision over the committee team is required to ensure that they perform their tasks accordingly. The composition of the number of the committees adjusts to the workload and the need, and, on top of everything, the requirements of the committee members must involve the criteria where they have to be noblemen, statesmen with prophetic characteristics, national figures, religious figures, ex-constitutional judges, and professors. The following diagram will help understand the above explanation more:

Diagram 1
One Gate System Model of the Norm Reconstruction in the System of the Selection of Constitutional Court Judges



Source: An analysis by the author (2022).

According to the above pattern of the candidate selection for Constitutional Court Judges, the idea of the reconstruction of the norm in the selection system that involves selection committees and one gate system needs to be added to the substance of amendment in the time to come. This measure is to help stay vigilant on the basis of the selection that is up to the standards to further anticipate unexpected issues. This system is expected to be more optimal, objective, transparent, and participative as in line with the constitutional objectives.

The standardization model of law reform in the selection of the candidates for constitutional judges in the future (*ius constituendum*) should serve as the measure to amend the existing system. The establishment and institution of ad hoc selection committee team with one gate system comes as a solution in the fourth amendment to Constitutional Court Law. An ideal standardization in the recruitment of the candidates for Constitutional Court judges serves as the parameter to ease the selection committee team to find out whether candidates have the criterion as required: a statesman.

This standard allows the committee to recruit only excellent candidates. This concept is congruent with the paradigm of prophetic law constituting the legal values (humanization *amar ma'ruf*), liberation/*nabi munkar*, divine values (transcendancy) that are expected to be manifested in honest, just, and civilized manners.

CONCLUSION

The portrait of the implementation of the selection system of recruitment of the candidates for Constitutional Court judges given by DPR, President, and MA shows disuniformity due to varied interpretations of the provisions of Article 20 (1) and (2) of Constitutional Court Law. The practices of the selection system have not been optimal, recalling that the mechanism of the recruitment has not met the principles of transparency, participation, objectivity, and accountability. It is as if several recruitment practices had made detours to avert those principles. This issue indicates that the recruitment of the candidates for the Constitutional Court judges requires comprehensive evaluation. The need for the norm reconstruction in the selection system under one gate system with the assistance of the selection committees and the existence of the supervisors is inevitable in legal politics and serve as an alternative and standard solution in the future. Selection committees have to be true statesmen, and this requirement is paramount recalling that they are authorized to verify and recruit other statesmen as candidates. That is, credible, professional, objective, transparent, and participative selection committees are expected to achieve the objective of law and original intent of the constitution that is congruent with the paradigm of prophetic law, referred to as spirit, as mentioned in principle number 1 and 2 of Pancasila (the Five Principles of the Republic of Indonesia)

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