

## INTISARI

Penelitian ini berfokus pada dua hal yaitu: *Pertama*, menganalisis problematika norma hukum acara hak uji materiil di Mahkamah Agung. *Kedua*, menggagas ulang norma hukum acara hak uji materiil di Mahkamah Agung demi mewujudkan suatu keadilan substantif. Penelitian ini merupakan penelitian hukum normatif dengan menggunakan 2 (dua) pendekatan yakni: pendekatan perundang-undangan (*statute approach*) dan pendekatan konseptual (*conceptual approach*). Hasil dari penelitian ini menunjukkan bahwa : *Pertama*, terdapat beberapa problematika norma dalam hukum acara hak uji materiil di Mahkamah Agung, seperti disharmonisasi norma subyek hukum, tidak diaturnya secara lengkap syarat-syarat formil pengajuan permohonan, pemeriksaan tanpa persidangan, perluasan makna batu uji, waktu pemeriksaan permohonan yang tidak memadai, akses putusan yang belum sepenuhnya transparan, hingga putusan yang tidak serta merta berlaku. Semua problematika tersebut berpotensi menyebabkan terjadi ketidakadilan. *Kedua*, perlu dilakukan penataan ulang norma hukum acara hak uji materiil di Mahkamah Agung, dengan mengatur : (1) definisi hak uji materiil dan lainnya yang diperlukan; (2) kualifikasi *legal standing* (syarat-syarat adanya kerugian hak); (3) materi permohonan seperti identitas pemohon, posita, dan petitum; (4) tata cara pengajuan permohonan beserta kelengkapan pengajuan permohonan; (5) register perkara, penjadwalan sidang hingga panggilan sidang; (6) mekanisme pemeriksaan pendahuluan, pemeriksaan persidangan secara terbuka, pemeriksaan setempat, dan pembuktian termasuk alat-alat bukti yang dapat diajukan di persidangan; (7) rapat permusyawaratan hakim; serta (8) macam-macam putusan, format, amar putusan, penandatanganan putusan, keberlakuan putusan, pengucapan putusan hingga penyerahan putusan.

Kata Kunci: Penataan Ulang, Hukum Acara Hak Uji Materiil, Keadilan Substantif.

## ABSTRACT

*This research focuses on two things, First, analyzing the problematic procedural legal norms of the right to judicial review at the Supreme Court. Second, rethinking procedural legal norms for the right to judicial review at the Supreme Court in order to realize substantive justice. This research is normative legal research using 2 (two approaches), those are statutory approach and conceptual approach. The results of this research show that: First, there are several problematic norms in procedural law on the right to judicial review at the Supreme Court, such as disharmonization of legal subject norms, the formal requirements for submitting a petition are not fully regulated, examination without trial, expansion of the meaning of touchstones, time Inadequate examination of applications, access to decisions that are not yet fully transparent, and decisions that do not immediately take effect. All of these problems have the potential to cause injustice. Second, it is necessary to reorganize the procedural legal norms for the right to judicial review at the Supreme Court, by regulating: (1) the definition of the right to judicial review and other necessary matters; (2) legal standing qualifications (conditions for loss of rights); (3) application materials such as the applicant's identity, posita and petitum; (4) procedures for submitting an application and completeness of the application submission; (5) case register, trial scheduling and court summons; (6) Preliminary examination mechanisms, open trial examinations, local examinations, and evidence including evidence that can be presented at trial; (7) judge's deliberation meeting; and (8) various types of decisions, formats, decisions, signing of decisions, enforcement of decisions, pronouncement of decisions and delivery of decisions.*

*Keywords: Reorganization, Procedural Law on the Right to Judicial Review, Substantive Justice*