

**Implikasi *Judicial Activism* Mahkamah Konstitusi dalam Pengujian Undang-Undang terhadap Sistem Kekuasaan Kehakiman  
(Putusan Mahkamah Konstitusi Periode Tahun 2012-2016)**

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**INTISARI**

Mahkamah Konstitusi dalam kewenangannya menguji undang-undang terhadap Undang-Undang Dasar kerap menuai kontroversi. Dalam periode tahun 2012-2016, banyak putusan Mahkamah Konstitusi yang dihasilkan dari *judicial activism*, dimana hakim dapat membuat aturan hukum dalam putusannya (*judges making law*). Penelitian ini mencoba menelusuri praktik *judicial activism* mahkamah konstitusi *dalam pengujian undang-undang terhadap sistem kekuasaan kehakiman*, serta menakar implikasi *judicial activism* Mahkamah Konstitusi terhadap sistem kekuasaan kehakiman.

Penelitian ini merupakan penelitian yuridis normatif yang menggunakan analisis data sekunder. Hasil dari penelitian ini menunjukkan bahwa dalam periode tahun 2012-2016, Mahkamah Konstitusi beberapa kali melakukan praktik *judicial activism* dalam makna negatif dengan mengeluarkan putusan *ultra petita*, *ultra vires*, retroaktif, dan putusan bersyarat. Dalam sistem kekuasaan kehakiman, *judicial activism* memberikan implikasi Mahkamah Konstitusi sebagai lembaga super power, karena telah melampaui domain kewenangannya.

Kata Kunci: *judicial activism*, mahkamah konstitusi, sistem kekuasaan kehakiman

*The Implication of Constitutional Court's Judicial Activism in its Authority to  
Constitutional Review towards Judicial Power System  
(Constitutional Court Decisions 2012-2016)*

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**ABSTRACT**

*The Constitutional Court in its authority to examine laws against the Constitution often create a controversy. In the period of 2012-2016, many Constitutional Court decisions are made from judicial activism, in which the judges are able to make a law in the judgment (judges making law). This research tries to provide the traces of judicial activism in the Constitutional Court in its authority to constitutional review towards judicial power system, and also to measure the implications of judicial activism in the Constitutional Court within the judicial power system.*

*This research is a normative juridical research based on a secondary data analysis. The results of this study indicate that in the period 2012-2016, the Constitutional Court conducted several judicial activism practices in a negative sense by issuing *ultra petita* decision, *ultra vires*, retroactive, and conditional decisions. In the judicial power system, judicial activism implies the Constitutional Court as a super power institution.*

*Keywords : judicial activism, constitutional court, judicial power system*