

Metode pemilihan kembali jabatan presiden setelah perubahan Undang-Undang Dasar 1945 = Presidency reelection method post the amendment of 1945 Constitution of Republic of Indonesia

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Abstrak

Pengaturan mengenai pemilihan kembali re-election jabatan presiden diatur di dalam konstitusi berbagai negara, khususnya negara-negara yang menganut sistem pemerintahan presidensial. Dalam sistem pemerintahan presidensial, presiden memiliki kekuasaan yang besar dan ekstensif, sehingga pengaturan mengenai re-election dijadikan instrumen untuk mengontrol kekuasaan lembaga eksekutif. Di Indonesia, pengaturan mengenai pembatasan masa jabatan presiden diatur dalam Pasal 7 Undang-Undang Dasar UUD 1945 setelah perubahan. Melalui pendekatan historis dan komparatif, penelitian berbentuk yuridis-normatif ini dilakukan untuk mencari sinkronisasi peraturan terkait metode pemilihan kembali jabatan presiden di Indonesia, serta penelitian ini dilakukan untuk mencari metode pemilihan kembali jabatan presiden yang tepat untuk Indonesia. Perumus Pasal pembatasan masa jabatan presiden di UUD 1945 menghendaki seseorang hanya dua kali dapat dipilih baik secara berurutan-turut, maupun tidak immediate reelection. Berdasarkan alasan menjaga hubungan antara presiden dan rakyat, pencegahan adanya akumulasi kekuasaan dan pendorong adanya regenerasi pejabat publik ndash; yaitu dalam hal ini Presiden Republik Indonesia, metode immediate reelection merupakan metode pemilihan kembali jabatan presiden yang tepat untuk Indonesia. Walau begitu, beberapa komponen dari pengaturan pemilihan kembali jabatan presiden di Indonesia masih memiliki kekurangan, yaitu tidak sesuai dengan materi muatannya. Pengaturan di UU Pemilihan Umum Nomor 7 Tahun 2017 terkait kapan seseorang yang menggantikan jabatan presiden secara permanen dihitung telah menjabat selama satu periode masih sebatas penjelasan dalam norma Pasal 169 huruf n, dan pengaturannya belum menggunakan asas proporsional. Pengubahan UUD untuk membuat pengaturan yang lebih rinci dan jelas terkait pembatasan masa jabatan presiden diperlukan agar tercapai esensi dari pengimplementasian sistem pemerintahan presidensial di Indonesia.

.....The regulation of presidency re election is governed in the constitutions of various countries, especially those that embrace presidential government systems. In a presidential system of government, the president has great and extensive powers, so the arrangement of re election is used as an instrument to control the power of the executive. In Indonesia, the regulation on the limitation of the term in office of the president is stipulated in Article 7 of the Amendment of 1945 Constitution. Through historical and comparative approach, this juridical normative research is conducted to find the synchronization of regulation related to the method of presidency re election in Indonesia, and this research is done to find the appropriate method of presidency re election for Indonesia. The framers of Article 7 concerning limitation of president tenure in office in the Amendment of 1945 Constitution requires a person to maximumly be elected twice either consecutively or not immediate reelection.

Based on the reasons to maintain the relationship between the president and the people, to prevent the accumulation of power, and to encourage the regeneration of public officials in this case the President of the Republic of Indonesia, the immediate reelection method is the appropriate method of presidency re election for Indonesia. However, some components of the provisions of presidency re election in Indonesia still have

shortcomings, which are not in accordance with the material content. The regulation in the Law of the General Election No. 7 of 2017 concerning when a person who replaces the presidency permanently counted has held office for one period is still stipulated in the explanation of the norm of Article 169 letter n, and the arrangement does not use the proportional principle. It is expected that Indonesia has a more detail and clear arrangements in the constitution related to the limitation of presidential term in order to achieve the essence of the implementation of presidential government system in Indonesia.