

Dari shared power kepada shared responsibility: Lembaga federatif dan problematika wewenang perang dalam konstitusi Amerika = From shared power to shared responsibility: Federative branch and the problem of war powers in American constitution / Rhesa Narola Sigarlaki

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Abstrak

Sistem ketatanegaraan Amerika mengadopsi gagasan *checks and balances*, yang melaluinya diyakini akan tercipta kontrol efektif antar ketiga cabang pemerintahan. Namun dalam hal wewenang perang, kontrol dimaksud tidak terjadi, karena yang justru mengemuka adalah perebutan wewenang antara Kongres dan Presiden, padahal konstitusi mengamanatkan adanya suatu deliberasi. Penulis berargumen bahwa guna menjembatani polemik ini perlu dihidupkan kembali lembaga federatif sebagai *interbranch agency*. Dalam hal ini seorang *National Security Adviser* akan memainkan peran tersebut dalam suatu format relasi baru Kongres-Presiden perihal wewenang perang yang penulis istilahkan *“integrasi kolegal”*.

American political system employs the mechanism of checks and balances that is designed to deliver effective check among the three branches of government. Yet in the realm of war power, instead of check, a fierce and many times unfruitful competition of constitutional right between President and Congress has been displayed throughout history. This is a stark deviation from the deliberative ideal of the constitution. Here the author argues that in order to bridge this mutual encroachment and to achieve a more ideal end, a revival of federative branch from John Locke’s philosophy is commendable. This interagency branch should be occupied by National Security Advisor, and it will operate within a new relational matrix of war powers between President and Congress that the author calls *“collegial integration”*.