

Penerapan Prinsip Double Majority Vote melalui Peran DPD dalam Sistem Pengambilan Keputusan MPR terkait Pemberhentian Presiden dan/atau Wakil Presiden di Indonesia = Application of the Double Majority Vote Principle through the Role of the DPD in the MPR Decision-Making System in relation to the Dismissal of the President and/or Vice-President in Indonesia

Yobel Manuel Oktapiamus, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=9999920550190&lokasi=lokal>

Abstrak

Skripsi ini membahas mengenai upaya untuk memastikan keterlibatan anggota MPR yang melaksanakan fungsi representasi secara kewilayahan (regional/territorial representation) dalam proses pemberhentian presiden dan/atau wakil presiden di Indonesia. Proses pemberhentian presiden dan/atau wakil presiden Indonesia sebagaimana diatur saat ini cenderung mengadopsi pendekatan congressional model. Pendekatan ini mengilhami bahwa anggota parlemen dari seluruh kamar parlemen wajib diikutsertakan dalam proses pemberhentian tersebut. Namun, proses penelitian dalam skripsi ini justru menemukan kecenderungan bahwa pengambilan keputusan terkait pemberhentian pemberhentian presiden dan/atau wakil presiden di Indonesia dapat dilakukan oleh anggota MPR yang berasal dari kamar parlemen dengan karakteristik fungsi representasi ideologi politik (political representation) semata. Hal ini berpotensi menimbulkan suatu akibat bahwa pemberhentian presiden dan/atau wakil presiden di Indonesia dapat dilakukan tanpa keterlibatan anggota MPR dari fungsi keterwakilan secara kewilayahan sama sekali. Untuk mencegah timbulnya dominasi dari anggota MPR yang menjalankan fungsi keterwakilan ideologi politik terhadap proses pemberhentian presiden dan/atau wakil presiden di Indonesia, diperlukan suatu mekanisme untuk melembagakan kehadiran anggota MPR yang menjalankan fungsi keterwakilan wilayah dalam proses pemberhentian tersebut. Upaya ini dapat dikontekstualisasikan dengan penerapan prinsip double majority vote, yaitu mekanisme pengambilan keputusan melalui pemungutan suara dimana indikator tercapainya mayoritas suara harus memenuhi aspek kualitatif maupun kuantitatif. Secara komparatif, konstitusi Kazakhstan yang merumuskan konsep ketatanegaraan layaknya Indonesia telah memuat penerapan prinsip ini secara implisit dalam pengaturan proses pemberhentian presidennya. Dalam rangka merumuskan ide guna menyelesaikan serangkaian permasalahan sebagaimana diuraikan sebelumnya, penulis melakukan penelitian dengan berbasis pada pendekatan yuridis normatif dan pendekatan perbandingan. Hasil penelitian dalam skripsi ini berkesimpulan bahwa prinsip ini dapat diterapkan sebagai syarat pengambilan keputusan dalam konteks penyelenggaraan sidang rapat paripurna MPR yang membahas usulan pemberhentian presiden dan/atau wakil presiden.

.....This undergraduate thesis discusses efforts to ensure the involvement of MPR members, who perform the function of regional/territorial representation, in the process of removing the President and/or Vice-President in Indonesia. The process of removing the President and/or Vice-President of Indonesia, as currently regulated, tends to adopt the congressional model. This approach implies that members of parliament from all houses of parliament must be involved in the impeachment process. However, the research process in this undergraduate thesis found a tendency that the decision making in relation to the removal of the President and/or Vice-President in Indonesia can be made by members of the MPR who

come from parliamentary chambers characterized by the function of political ideological representation alone. This could potentially mean that the impeachment of the President and/or Vice-President in Indonesia could be carried out without the involvement of MPR members from the territorial representation function. In order to prevent the dominance of MPR members who function as political ideological representatives in the process of dismissing the President and/or Vice-President in Indonesia, a mechanism is needed to institutionalise the presence of MPR members who function as regional representatives in the impeachment process. This effort can be contextualised through the application of the double majority vote principle, which is a decision-making mechanism through voting in which the indicators for achieving a majority of votes must meet both qualitative and quantitative aspects. By comparison, the constitution of Kazakhstan, which formulates a constitutional concept similar to that of Indonesia, already implicitly includes the application of this principle in the regulation of the process of dismissing the president. In order to formulate ideas for solving the problems described above, the author conducted research based on a normative legal approach and a comparative approach. The results of the research in this undergraduate thesis conclude that this principle can be applied as a decision-making requirement in the context of holding a plenary session of the MPR to discuss the proposal to dismiss the President and/or Vice-President.