

Ketetapan Majelis Permusyawaratan Rakyat yang berbentuk  
beschikking tentang pengangkatan presiden dan wakil presiden terpilih  
= The people's consultative assembly's decree in the form of  
beschikking towards the assignation of elected president and vice  
president

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Abstrak

Tesis ini dilatarbelakangi perkembangan Lembaga MPR sebelum dan sesudah perubahan UUD 1945 yang mempengaruhi sistem ketatanegaraan di Indonesia sekaligus berdampak pada Produk hukum yang dikeluarkan oleh MPR dalam hal pengangkatan Presiden dan Wakil Presiden terpilih. Permasalahan pertama pada Tesis ini Bagaimana pengangkatan Presiden dan Wakil Presiden Terpilih Sebelum dan Sesudah perubahan UUD NRI 1945, kedua Bagaimana Konsekuensi yuridis apabila mengeluarkan Ketetapan MPR yang bersifat beschikking tentang Pengangkatan Presiden dan Wakil Presiden terpilih. Bahwasanya Sebelum perubahan Kedaulatan berada ditangan rakyat, dan dilakukan sepenuhnya oleh Majelis Permusyawaratan Rakyat. Presiden mandataris MPR, Pasal 6 ayat (2) UUD 1945 sebelum perubahan yakni memilih dan mengangkat Presiden dan Wakil Presiden kewenangan MPR dalam hal pengangkatan Presiden dan Wakil Presiden terpilih terdapat Ketetapan Majelis Permusyawaratan Rakyat tentang Pengangkatan Presiden dan Wakil Presiden terpilih. Sesudah perubahan Undang-Undang Dasar 1945 pelaksanaan kedaulatan rakyat dilaksanakan menurut Undang-Undang Dasar, Pasal 6 A Presiden/Wakil Presiden dipilih oleh rakyat secara langsung. Majelis Permusyawaratan Rakyat hanya memiliki hubungan yang terbatas terhadap Presiden. Kedua, Ketetapan MPR Nomor: I/MPR/2003 memberikan eksistensi Ketetapan MPR yang masih berlaku. Ketetapan MPR dimasa mendatang hanya bersifat beschikking. Lembaga MPR merupakan Lembaga negara statis namun MPR akan terlihat keberadaannya jika menghasilkan produk-produk untuk menjalankan kewenangannya. Ketetapan MPR tentang Pelantikan Presiden dan wakil Presiden merupakan ketetapan individual konkret dan sekali selesai einmahlig, dimana MPR hanya sekedar mendeklarasi, tidak mengubah pemilihan Presiden dan Wakil Presiden oleh Rakyat, tetapi sekedar menetapkan hasil pemilihan tersebut untuk penetapan atas status Presiden untuk menjalankan masa jabatan Presiden dan Wakil Presiden terpilih. ....This thesis was motivated by the development of the MPR before and after the amendments to the 1945 Constitution which affected the constitutional system in Indonesia as well as had an impact on the legal products issued by the MPR in terms of the appointment of the elected President and Vice President. The first problem in this thesis is how to appoint the elected president and vice president before and after the amendment of the 1945 Constitution of the Republic of Indonesia, the second, what are the juridical consequences of issuing beschikking MPR decrees on the appointment of the elected President and Vice President. That before the change, the sovereignty was in the hands of the people, and was carried out entirely by the People's Consultative Assembly. The President mandates the MPR, Article 6 paragraph (2) of the 1945 Constitution before the amendment, namely electing and appointing the President and Vice President, the authority of the MPR in terms of the appointment of the elected President and Vice President, there is a Decree of the People's Consultative Assembly on the Appointment of the elected President and Vice President. After amendments to the 1945 Constitution, the exercise of people's sovereignty is carried

out according to the Constitution, Article 6 A The President / Vice President is directly elected by the people. The People's Consultative Assembly has only limited relations with the President. Second, the MPR Decree Number: I / MPR / 2003 provides the existence of the MPR Decree which is still valid. Future MPR decisions are only *beschikking*. The MPR institution is a static state institution but the MPR will be seen if it produces products to carry out its authority. The MPR Decree regarding the Inauguration of the President and Vice President is a concrete individual decision and once completed *einmahlig*, where the MPR is just a declaration, does not change the election of President and Vice President by the people, but simply determines the results of the election to determine the status of the President to run the term of office of the President and Vice President elected.