

Kedudukan dan peranan Panitia Khusus Angket pengusutan kasus Bank Century Dewan Perwakilan Rakyat Republik Indonesia ditinjau dari sudut hukum tata negara

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Abstrak

Dewan Perwakilan Rakyat memiliki fungsi pengawasan, selain itu fungsi legislasi dan fungsi anggaran. Dalam melaksanakan fungsinya Dewan Perwakilan Rakyat mempunyai hak interpelasi, hak angket, dan hak menyatakan pendapat. Fungsi dan hak Dewan Perwakilan Rakyat itu diatur dalam Pasal 20A Undang-Undang Dasar 1945. Fungsi pengawasan dilaksanakan melalui pengawasan atas pelaksanaan undang-undang dan Anggaran Pendapatan dan Belanja Negara yang dijalankan pemerintah. Dalam menjalankan fungsinya, Presiden tidak dapat membekukan dan/atau membubarkan Dewan Perwakilan Rakyat. DPR berhak untuk melakukan penyelidikan terhadap pelaksanaan suatu undang-undang dan/atau kebijakan pemerintah yang berkaitan dengan hal penting, strategis, dan berdampak luas pada kehidupan bermasyarakat, berbangsa, dan bernegara yang diduga bertentangan dengan peraturan perundang-undangan. Panitia khusus angket pengusutan kasus Bank Century DPR merupakan pelaksanaan hak penyelidikan DPR berdasarkan audit Badan Pemeriksa Keuangan atas bail out Bank Century. BPK menyimpulkan bahwa bail out Bank Century patut diduga melanggar hukum. Walaupun DPR berhak melakukan penyelidikan, namun hasil penyelidikan DPR tidak dapat dipergunakan sebagai bukti di pengadilan. Proses penyelidikan DPR adalah proses politik yang mencerminkan pandangan mayoritas fraksi di DPR. Meskipun demikian, pemerintah harus sungguh-sungguh memperhatikan proses politik tersebut, karena Presiden dan/atau Wakil Presiden dapat diberhentikan dalam masa jabatannya oleh Majelis Permusyawaratan Rakyat atas usul Dewan Perwakilan Rakyat, bila dalam penyelidikan yang dilakukan DPR ditemukan fakta-fakta yang menyakinkan bahwa Presiden dan/atau Wakil Presiden bertanggungjawab. Selanjutnya DPR berhak untuk menyatakan pendapat. Atas pendapat DPR tersebut, apabila Mahkamah Konstitusi memutuskan bahwa Presiden dan/atau Wakil Presiden terbukti melakukan pelanggaran hukum. DPR menyelenggarakan sidang paripurna untuk meneruskan usul pemberhentian Presiden dan/atau Wakil Presiden kepada Majelis Permusyawaratan Rakyat.

.....House of Representatives has a supervisory function, in addition to legislative and budgetary functions. In performing its functions the House of Representatives has the right of interpellation, the right questionnaire, and the right to express an opinion. Functions and rights of the House of Representatives was set forth in Section 20A Constitution Act 1945. Audit function is conducted through the supervision over the implementation of laws and Budget of the State-run government. In performing its functions, the President can not freeze and or dissolve the House of Representatives. Parliament is entitled to conduct an investigation of the implementation of laws and / or government policies relating to the important, strategic and broad impact on society, nation and the state is allegedly contrary to laws and regulations. The special committee investigating a case questionnaire Century Bank House is a House investigation into the implementation of rights based on BPK audit on the bail out of Century Bank. CPC concluded that Century Bank bail-out should be suspected of breaking the law. Although Parliament has the right to investigate, but the results of the House investigation can not be used as evidence in court. House of Representatives inquiry

process is a political process which reflect the views of the majority faction in parliament. Nevertheless, the government must seriously consider the political process, because the President and / or the Vice President may be dismissed in his term by the People's Assembly at the proposal Permusyaratan House of Representatives, when the House of Representatives conducted an investigation which found the facts are convincing that the President and / or the Vice President accountable. Furthermore, the Parliament is entitled to our opinion. On the opinion that the Parliament, when the Constitutional Court decides that the President and / or Vice President proved to have violated the law. Parliament held a plenary session to continue the proposed dismissal of the President and / or Vice President to the People's Consultative Assembly.