

Penguatan fungsi legislasi dewan perwakilan daerah pasca putusan mahkamah konstitusi nomor 92 puu x 2012 = Strengthening legislative function of the regional representative council following the constitutional court ruling no 92 puu x 2012

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Abstrak

[ABSTRAK

Lahirnya Dewan Perwakilan Daerah sebagai perwujudan representasi kepentingan seluruh rakyat dan dalam rangka mereformasi struktur parlemen Indonesia menjadi dua kamar bicameral Dengan struktur dua kamar itu diharapkan proses legislasi dapat diselenggarakan berdasarkan sistem "double check" yang memungkinkan representasi kepentingan seluruh rakyat Kewenangan DPD yang sangat terbatas di dalam konstitusi dan peraturan perundangan membuat DPD mengajukan judicial review ke Mahkamah Konstitusi melalui Perkara Nomor 92 PUU X 2012 Penelitian ini menggunakan pendekatan yuridis normatif dengan analisis data deskriptif kualitatif dan komparatif Putusan 92 PUU X 2012 telah mengembalikan kewenangan legislasi DPD yang setara dengan DPR dan Presiden dalam mengajukan rancangan undang-undang Namun hingga saat ini belum ada realisasi dari putusan tersebut Termasuk saat revisi Undang-Undang 17 Tahun 2014 tentang Majelis Permusyawaratan Rakyat Dewan Perwakilan Rakyat Dewan Perwakilan Daerah dan Dewan Perwakilan Rakyat Daerah yang tanpa mengadopsi usulan DPD dalam hal penguatan fungsi legislasinya Bahkan hingga revisi tersebut disahkan tetap saja usulan DPD tersebut diabaikan Penelitian ini memaparkan upaya penguatan fungsi legislasi DPD Pasca Putusan MK Nomor 92 PUU X 2012 yaitu melalui amandemen kelima konstitusi dan operasional penataan lembaga serta meningkatkan kemampuan para anggota Perbandingan dengan Negara Afganistan Aljazair Filipina Mauritania Myanmar dan Tajikistan serta bagaimana hubungan yang ideal antara kedua kamar tersebut dalam melaksanakan fungsi legislasi terlihat bahwa tidak ada kamar kedua yang mengesahkan RUU dan tidak ada kamar yang dibatasi dalam hal mengajukan RUU tertentu kecuali Indonesia namun apabila terdapat perbedaan pendapat antara kedua kamar maka terdapat mekanisme forum penyelesaiannya.

ABSTRACT

The establishment of the House of Regional Representative People's Dewan Perwakilan Daerah representation of interests to arrange the Indonesian parliament are two chambers bicameral The two chambers legislative process on a double check system which represent the interests of the people DPD's limited authorities which enshrined the constitution and the law are grounds for to DPD filed judicial review to the Constitutional Court which registered in the Case Number 92 PUU X 2012 This research adopts normative juridical approach with qualitative descriptive data analysis The ruling No 92 PUU X 2012 allow DPD to have legislative power equal to the House of Representatives and the President on submission of bill However hitherto no implementation been done regarding the ruling Not even the current amendment on Law 17 of 2014 on Majelis Permusyawaratan Rakyat Dewan Perwakilan Rakyat Dewan Perwakilan Daerah dan Dewan Perwakilan Rakyat Daerah include the DPD's proposed to strengthening its legislative function Even until the law taken passed the proposal still ignored This essay describes the efforts to strengthen the legislative function of the DPD following the Court is Ruling No 92

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