

Peninjauan ulang kewenangan DPR dalam seleksi pengisian pejabat publik = Review on house of representative's DPR authority in the selection of public officials

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Abstrak

[ABSTRAK

Kekuasaan dan kewenangan Dewan Perwakilan Rakyat (DPR) yang kuat akibat perubahan UUD 1945 dapat dilihat dalam desain skema keterlibatan DPR pada pengisian sejumlah jabatan publik yang terbilang strategis. Dalam perubahan UUD 1945 dikenal 3 (tiga) bentuk pengangkatan pejabat publik yang melibatkan DPR, yakni melalui pertimbangan, persetujuan dan pemilihan. Pada awalnya urgensi suatu pengangkatan pejabat publik memerlukan campur tangan DPR karena merupakan bagian dari varian fungsi pengawasan DPR di samping tentunya bagian dari fungsi checks and balances atas kewenangan presiden. Hal yang menjadi perdebatan adalah ketika kewenangan dan kekuasaan DPR dalam seleksi pengisian pejabat publik terjadi penyimpangan akibat tidak transparan dan kredibel dalam melakukan proses pengisian seleksi pejabat publik.

Penelitian ini akan memfokuskan pada analisis terhadap kewenangan DPR dalam seleksi pengisian pejabat publik yang diberikan oleh UUD 1945. Di samping itu juga menganalisa tentang putusan perkara Mahkamah Konstitusi Nomor 27/PUUXII/2013 tentang pengujian terhadap pemilihan Hakim Agung MA (Mahkamah Agung) dan putusan nomor 16/PUU-XII/2014 tentang pengujian terhadap pemilihan anggota Komisi Yudisial (KY) dan anggota Komisi Pemberantasan Korupsi (KPK). Dimana dalam putusan pemilihan Hakim Agung MA dan anggota KY itu mengembalikan kewenangan DPR sebatas hanya menyetujui atau tidak menyetujui para calon Hakim Agung MA dan anggota KY. Penelitian ini juga melakukan perbandingan pengisian pejabat publik dengan Negara Amerika Serikat, Korea Selatan dan Filipina. Penelitian ini menggunakan pendekatan yuridis normatif, dengan analisis data deskriptif kualitatif dan komparatif.

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ABSTRACT

The strong power and authority of the House of Representatives (DPR) due to the amendment of the Constitution of Indonesia year 1945 (UUD 1945) can be seen in the design of the House of Representative's involvement scheme in the election of several strategic public position. In the amendment of UUD 1945 there are three (3) forms the appointment of public officials involving the DPR, through the consideration, approval, and election. At first, the urgency of the appointment of public officials requires the intervention of House of Representative as part of a variant of the House supervision functions in addition to the checks and balances

function on the authority of the president. The debate arises when there is deviation in the authority and power of the House of Representatives in the election of public officials due to non-transparent and credible process of filling the election of public officials.

This study will focus on the analysis of the authority of the House of Representatives in the selection of public officials granted by the Constitution of Indonesia year 1945. In addition, this study also analyzes the decision of the Constitutional Court case No. 27 / PUU-XII / 2013 concerning the testing of the election of the Chief Justice of Supreme Court (Supreme Court) and decision number 16 / PUU-XII / 2014 concerning the testing of the election of members of the Judicial Commission (KY) and members of the Corruption Eradication Commission (KPK). Where in the election decision of the Chief Justice of the Supreme Court and members of the Judicial Commission, the authority of the House of Representative is restored limitedly only to approve or disapprove the candidates of the Chief Justices of the Supreme Court and members of KY. This study also compares the appointment of public officials in the United States, South Korea and the Philippines. This study uses the normative juridical approach, with qualitative and comparative descriptive data analysis.;The strong power and authority of the House of Representatives (DPR) due to the amendment of the Constitution of Indonesia year 1945 (UUD 1945) can be seen in the design of the House of Representative's involvement scheme in the election of several strategic public position. In the amendment of UUD 1945 there are three (3) forms the appointment of public officials involving the DPR, through the consideration, approval, and election. At first, the urgency of the appointment of public officials requires the intervention of House of Representative as part of a variant of the House supervision functions in addition to the checks and balances function on the authority of the president. The debate arises when there is deviation in the authority and power of the House of Representatives in the election of public officials due to non-transparent and credible process of filling the election of public officials.

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