

Implementasi pasal 33 UUD 1945 dalam sektor minyak bumi pasca reformasi: analisis welfare state = Implementation article 33 of constitution 1945 in oil sector post reform welfare state analysis

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Abstrak

[ABSTRAK

Kelahiran UU Migas dan perubahan Pasal 33 UUD 1945 penuh dengan perdebatan seputar peran negara dalam sektor perekonomian. Perdebatan ini tidak lepas dari perdebatan seputar signifikansi welfare state dalam bernegara, dan pada akhirnya berlanjut pada perdebatan mengenai bagaimana Hak Menguasai Negara (HMN) dalam sektor minyak bumi. Penelitian ini bertujuan menganalisis faktor- faktor yang dipermasalahkan dari minyak bumi di Indonesia, menjelaskan kebijakan pengelolaan minyak bumi di Indonesia pasca reformasi, dan menganalisis implementasi Pasal 33 UUD 1945 dalam sektor minyak bumi di Indonesia pasca reformasi berdasarkan analisis welfare state. Penelitian ini menggunakan metode kualitatif yang bersifat deskriptif dengan narasumber dari pengamat migas dan Badan Pemeriksa Keuangan Republik Indonesia. Hasil penelitian adalah Indonesia mengalami masalah ketahanan energi dan tata kelola minyak bumi. Kebijakan sektor minyak bumi pasca reformasi banyak diwarnai liberalisasi karena adanya tekanan dari pihak asing sementara kebijakan energi nasional tidak dilaksanakan dengan konsisten. Indonesia sudah berusaha menerapkan sebagian Pasal 33 UUD 1945 di sektor minyak bumi dalam rangka mewujudkan konsep welfare state, yaitu adanya peran aktif negara dan upaya mewujudkan kemakmuran rakyat. Namun demikian, Indonesia belum menerapkan demokrasi ekonomi sebagaimana semangat awal Pasal 33 UUD 1945. Hal ini terutama karena masuknya paham ekonomi pasar yang berhasil menggeser demokrasi ekonomi. Dengan demikian, pasca reformasi Indonesia belum sepenuhnya melaksanakan konsep welfare state dalam sektor minyak bumi sebagaimana amanat Pasal 33 UUD 1945.

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ABSTRACT

The establishment of Law on oil and gas which came along with the the amendment of Article 33 on 1945 Constitution has sorrouded with debates about the state's role in economic sector. These debates related with the significance of welfare state in national development and still continues on State's Right in petroleum sector. This research aimed to analyze problematic factors of Indonesian oil, to describe management policies on oil sector post-reform, and to analyze implementation Article 33 of 1945 Constitution in Indonesian oil sector post-reform using Welfare State Analysis. This research uses qualitative and descriptive method that interviews oil-gas expert and also Audit Board of the Republic of Indonesia. This research finds that Indonesia has problems with energy security and oil management. The Indonesian policy on oil sector after reformation mostly uses liberalization paradigm because of foreign pressure while national energy policy hasn't been implemented consistently. Indonesia has been trying to implement part of Article 33 of 1945 Constitution in order to implement the welfare state concept, which are the efforts to make society prosperous. However, Indonesia hasn't implement democratic economy as the initial spirit of Article 33 of 1945 Constitution. Such condition mainly due to market economy spirit influence which shifted the economic democracy. To conclude, after reformation Indonesia hasn't fully

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