

# Konflik politik dalam implementasi undang-undang nomor 22 tahun 2001 tentang minyak dan gas bumi periode tahun 2003-2012 = The political conflicts incited by the implementation of act no. 22 of 2001 on oil and gas 2003-2012 period

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## Abstrak

Latar belakang penelitian ini adalah terjadinya konflik politik akibat penerapan UU No. 22 Tahun 2001 tentang Migas selama tahun 2003-2012. Konflik politik berlangsung dalam arena judicial review di Mahkamah Konstitusi tahun 2003 dan 2012, dan konflik politik di DPR dalam pembentukan Pansus BBM tahun 2008, serta perumusan APBN-P tahun 2012. Ada anggapan bahwa UU Migas sangat liberal, ditunggangi kepentingan asing dan bertentangan dengan UUD 1945, serta mengancam hajat hidup orang banyak. Oleh karena itu, rumusan masalah yang hendak diteliti adalah bagaimana karakter ideologis dari UU Migas dan pengaruhnya terhadap peran aktif negara dalam tata kelola migas? Bagaimana dinamika konflik tersebut berlangsung? Serta bagaimana konflik politik tersebut diselesaikan? Metode penelitian yang digunakan adalah kualitatif dengan jenis penelitian studi kasus. Pengumpulan data melalui studi kepustakaan dan wawancara mendalam. Sedangkan teori yang digunakan adalah teori Ideologi Seliger, Liberalisme Ekonomi Hayek, Nasionalisme Ekonomi List, Konflik dan Konsensus Politik Rauf dan Cosser, serta teori MNC Gilpin.

Kesimpulan penelitian menunjukkan karakter ideologis UU Migas yang liberal telah meminimalisasi peran negara untuk mengatur harga BBM, pengelolaan langsung usaha hulu dan hilir, pemberian kewenangan monopoli pada BUMN, serta membatasi ekspansi asing di hulu dan hilir migas. Hal tersebut memicu penolakan di MK dan DPR dengan justifikasi nasionalisme ekonomi untuk mengembalikan peranan negara dalam tata kelola migas. Justifikasi ideologis bersifat operatif, baik untuk kepentingan mengamankan akses terhadap sumber daya migas maupun akses terhadap posisi kekuasaan politik. Konflik berakhir dengan penyelesaian yang diterima semua pihak dan menjadi katup penyelamat bagi kepentingan bersama. Temuan penelitian menunjukkan adanya gelombang nasionalisme ekonomi yang diartikulasikan dengan mekanisme judicial review untuk menentang berbagai kebijakan yang liberal. Judicial review di MK menjadi arena konflik politik baru selain arena legislasi di DPR. Implikasi teoritis dari penelitian ini, teori liberalisme ekonomi Hayek cenderung kurang memadai untuk menjelaskan anomali adanya liberalisasi yang dipadukan dengan perencanaan pemerintah seperti kebijakan target lifting, subsidi dan cost recovery. Teori MNC Gilpin juga cenderung kurang memadai untuk menjelaskan terjadinya infisiensi MNC Migas dalam produksi migas dengan naiknya cost recovery. Sementara itu, teori ideologi Seliger relevan untuk menjelaskan terjadinya justifikasi ideologis operatif dalam relasi konflik. Begitu pula dengan teori konflik Rauf dan katup penyelamat Cosser relevan untuk menjelaskan masalah penelitian. Kata kunci :konflik migas, ideologi, liberalisme, nasionalisme, MNC dan katup penyelamat.

.....The background of this dissertation is the political conflicts incited by the implementation of Act No. 22 of 2001 on Oil and Gas which occurred during 2003-2012. The conflicts took several forms during this time period: a judicial review in the constitutional court 2003 and 2012, the formation process of a special assembly on oil and gas 2008, and the formulation of the changes in government budget. These problems

are mainly caused by the perception that the act is very liberal, benefits foreign interests, contradicts the Constitution, and endangers the wellbeing of many. Based on these facts, this dissertation aims to research three matters: 1 the ideological character of the act and its effect on the state's governance on oil and gas; 2 the dynamics of the conflict; and 3 the resolve of the conflict. The methodology of this research is qualitative and uses case studies, while the data is primarily collected through literary reviews and indepth interviews. Seliger's ideology theory, Hayek's economic liberalism theory, List's economic nationalism, Rauf and Cosser's conflict and consensus theory, as well as Gilpin's MNC theory are used in this dissertation.

This research reveals that the ideological character of the Oil and Gas Act, which is liberal, minimizes the state's role in setting the price, managing the businesses, giving state-owned enterprise authority to monopolize, and limiting foreign expansion in the oil and gas sector. Due to these reasons, the Constitutional Court rejected the act by using economic nationalism as a justifying argument. The purpose is to secure the state's accessibility to oil and gas resources, as well as to secure political sovereignty. The conflict ended with a settlement that is accepted by all parties and became the rescue valve of mutual interests.

The principal findings of this study reveal that a wave of economic nationalism was evident, and was articulated through judicial review, which opposes various liberal policies. Aside from legislation in the People's Representative Assembly, it became the new birthplace and arena of political conflicts. The theoretical implication of this study is that Hayek's economic liberalism theory is often irrelevant, mainly because of its inability to elaborate the anomalies regarding liberalization and the government's plan, such as lifting target, subsidies, and cost recovery. Gilpin's MNC theory proves to be irrelevant because it fails to explain the production inefficiency of oil and gas MNC in relations to the increase of cost recovery. Meanwhile, Seliger's ideology theory is relevant for it explains the occurrence of operative ideological justification in relations to conflict. This also applies Rauf and Cosser's conflict theory. Keywords: oil and gas conflict, liberalism, nationalism, multinational corporations, and safety valve.