

Verifikasi Partai Politik Peserta Pemilu 2019 (Studi Kasus Partai Idaman) = The Verification of Political Party for Joining the 2019 Indonesian Election (Case Study of Partai Idaman)

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Abstrak

Penelitian ini bertujuan melakukan analisis normatif terhadap penyederhanaan partai politik di Indonesia. Inkonsistensi pengaturan partai politik di setiap rezim pemerintahan menjadi latar belakang penulisan tesis. Kebijakan penyederhanaan partai di era Presiden Sukarno dilakukan dengan melakukan pembubaran partai. Di era Presiden Suharto melakukannya dengan penggabungan (fusi) partai. Pada era Orde Reformasi dilakukan pembebasan dan pembatasan sekaligus. Inkonsistensi kebijakan memunculkan perlakuan diskriminatif terhadap partai politik. Perlakuan tersebut dalam bentuk peraturan perundangan dan pelaksanaannya. Sebagai studi kasus penelitian ini dilakukan terhadap Partai Idaman. Partai baru berdiri ini dijadikan studi kasus karena melakukan upaya hukum uji materi terkait pasal diskriminatif verifikasi partai politik dalam Undang-Undang No. 7 tahun 2017 tentang Pemilihan Umum (Pemilu) di Mahkamah Konstitusi (MK). Hasil penelitian ini menunjukkan pengaturan partai politik di era reformasi berjalan inkonsisten dan diskriminatif. Pengaturan diskriminatif tidak hanya terjadi pada UU Pemilu, tetapi juga pengaturan dalam bentuk peraturan pelaksanaannya di Komisi Pemilihan Umum. Pengaturan dan pelaksanaan yang diskriminatif bertentangan dengan hak dasar yang diatur dalam konstitusi. Adanya perlindungan dalam bentuk upaya hukum terhadap pengaturan diskriminatif dan pelaksanaannya digunakan Partai Idaman dengan melakukan upaya hukum di setiap tahapan yang dilalui melalui pengadilan sesuai kompetensinya. Sebagai saran dalam penelitian ini disampaikan pandangan bahwa pengaturan penyederhanaan partai politik di Indonesia seharusnya memiliki arah yang jelas. Peta jalan (road map) dalam jangka panjang, konsisten dan non diskriminatif. Pelaksanaan pengaturannya juga harus dilakukan dengan memperhatikan asas-asas penyelenggaraan Pemilu. Penggunaan sistem informasi dalam bentuk perangkat keras dan lunak yang menjadi dasar penilaian lulus verifikasi partai politik juga disarankan memenuhi standar dan kualifikasi yang sesuai dan didaftarkan di Kementerian Komunikasi dan Informasi.

.....The thesis aims to conduct a normative analysis of the simplification of political parties in Indonesia. The inconsistency of the regulation of political parties in each government regime is the background of the writing of the thesis. The simplification of party policies in President Sukarno era was carried out by dissolving parties. In President Suharto era was done through party fusion. In the latest era or the Reform era, both liberation and restrictions were carried out. Policy inconsistencies lead to discriminatory treatment of political parties. Such treatment is in the form of regulations and their implementation. As a case study, this research was conducted on Partai Idaman. This emerging party was used as a case study relate to its activity to carried out legal efforts to test material related to the discriminatory article on verification of political parties in Law No. 7 of 2017 concerning General Elections (Elections) in the Constitutional Court (MK). The results of this study indicate that the regulation of political parties in Reform era is inconsistent and discriminatory. Discriminatory arrangements do not only occur in the Election Law, but also in the form of implementing regulations in the Election Commission. Discriminatory arrangements and practices are contrary to the basic rights stipulated in the constitution. The existence of protection in the form of legal

remedies against discriminatory arrangements and its implementation is used Partai Idaman by conducting legal remedies at each stage that is passed through the court in accordance with its competence. As a suggestion in this study, the view was made that the regulation of simplification of political parties in Indonesia should have a clear direction. The long run roadmap is needed, but consistent and non-discriminatory. The implementation of the regulation must also be carried out with due regard to the principles of organizing elections. The use of information systems in the form of hardware and software which is the basis for evaluating passing political party verification is also recommended to meet appropriate standards and qualifications and be registered at the Ministry of Communication and Information.