

Analisis kewenangan Majelis Permusyawaratan Rakyat dalam pengisian jabatan presiden yang berhalangan tetap menurut Undang-Undang Dasar negara Republik Indonesia tahun 1945 = Analysis of the authority of the people's consultative assembly in filling the position of the president who is permanently incapacitated according to the 1945 Constitution of the Republic of Indonesia

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Abstrak

Pengisian jabatan presiden dan wakil presiden merupakan aspek utama pada sistem pemerintahan presidensial. Saat ini, mekanisme pengisian jabatan presiden dan wakil presiden Indonesia dilakukan melalui pemilihan umum. Namun, UUD NRI 1945 masih memberikan kewenangan kepada Majelis Permusyawaratan Rakyat untuk menyelenggarakan sidang pemilihan wakil presiden jika terjadi kekosongan jabatan atau pemilihan jabatan presiden dan wakil presiden jika terjadi kekosongan jabatan secara bersamaan sebagaimana menurut Pasal 8 ayat (2) dan ayat (3) UUD NRI 1945. Tulisan ini dihasilkan melalui penelitian normatif dengan metode kualitatif yang menjadikan sumber-sumber hukum sebagai landasan utama. Kesimpulan yang didapatkan adalah bahwa adanya kewenangan yang dimiliki oleh Majelis Permusyawaratan Rakyat dalam memilih lembaga kepresidenan sebagaimana menurut Pasal 8 ayat (2) dan ayat (3) UUD NRI 1945 merupakan pelaksanaan prinsip 'checks and balances' yang dibangun oleh UUD NRI 1945 dalam rangka penguatan sistem presidensial. Oleh sebab itu, penguatan sistem presidensial terkait kandungan Pasal 8 ayat (2) dan ayat (3) UUD NRI 1945 kedepannya perlu diatur secara komprehensif dalam suatu undang-undang terkait lembaga kepresidenan.

.....Filling the positions of president and vice president is a major aspect of the presidential government system. Currently, the mechanism for filling the positions of president and vice president of Indonesia is carried out through general elections. However, the 1945 Constitution of the Republic of Indonesia still authorizes the People's Consultative Assembly to hold a vice presidential election session in the event of a vacancy in office or the election of the president and vice president in the event of a vacancy of office simultaneously as stated in Article 8 paragraph (2) and paragraph (3) of the Constitution of the Republic of Indonesia. 1945. This paper was produced through normative research with qualitative methods that use legal sources as the main basis. The conclusion obtained is that the existence of the authority possessed by the People's Consultative Assembly in choosing the presidential institution as stated in Article 8 paragraph (2) and paragraph (3) of the 1945 Constitution of the Republic of Indonesia is the implementation of the principle of 'checks and balances' developed by the 1945 Constitution of the Republic of Indonesia in order to strengthen presidential system. Therefore, strengthening the presidential system related to the contents of Article 8 paragraph (2) and paragraph (3) of the 1945 Constitution of the Republic of Indonesia needs to be comprehensively regulated in a law related to the presidential institution.