

Mekanisme checks and balances presiden dan Dewan Perwakilan Rakyat di Indonesia dalam bidang legislasi berdasarkan Undang-Undang Dasar 1945 sebelum dan setelah amandemen = Checks and balances mechanism of the president and the house of representatives in Indonesia in the function of legislation based on the 1945 Constitution before and after the amendment

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Abstrak

Amandemen terhadap Undang-Undang Dasar 1945 telah mengubah banyak hal. Hal yang amat jelas terlihat terkait kekuasaan Presiden dan Dewan Perwakilan Rakyat dalam bidang legislasi. Pasal 5 ayat (1) Undang-Undang Dasar sebelum amandemen menyatakan bahwa Presiden memegang kekuasaan membentuk undang-undang dengan persetujuan Dewan Perwakilan Rakyat sementara setelah amandemen Undang-Undang Dasar 1945 telah berganti menjadi Presiden berhak mengajukan rancangan undang-undang kepada Dewan Perwakilan Rakyat. Selain itu pada Pasal 20 ayat (1) Undang-Undang Dasar Sebelum Amandemen juga mengalami perubahan yakni yang sebelumnya menyatakan tiap-tiap undang-undang menghendaki persetujuan Dewan Perwakilan Rakyat berubah menjadi Dewan Perwakilan Rakyat memegang kekuasaan membentuk undang-undang. Hal ini menunjukkan kekuasaan Presiden setelah perubahan UUD Tahun 1945 di bidang legislasi mengalami pengurangan secara signifikan. Ini memperlihatkan perubahan aturan yang berkenaan dengan kekuasaan Presiden oleh semua kalangan dianggap telah terjadi pergeseran dari executive heavy ke arah legislative heavy. Pasal 20 ayat (2) menyatakan setiap rancangan undang-undang dibahas oleh Dewan Perwakilan Rakyat dan Presiden untuk mendapat persetujuan bersama dan tercapainya checks and balances system dalam bidang legislasi pada Undang-Undang Dasar setelah amandemen. Walaupun telah tercapainya prinsip checks and balances setelah amandemen UUD 1945, nyatanya pada prakteknya terdapat perselisihan/konflik yang terjadi antara Presiden dan DPR dalam bidang legislasi. Penelitian ini adalah penelitian kualitatif dengan desain analisis deskriptif. Permasalahan ini ditinjau dari perbandingan hukum dengan metode penelitian yuridis normatif dan penulisan bersifat deskriptif.

.....Checks and Balances Mechanism of the President and the House of Representatives in Indonesia in the Function of Legislation Based on the 1945 Constitution Before and After the Amendment Amendments to the 1945 Constitution have changed many things. This is very clearly seen related to the power of the President and the House of Representatives in the field of legislation. Article 5 paragraph (1) of the Constitution before the amendment states that the President holds the power to form laws with the approval of the temporary House of Representatives after the amendment to the 1945 Constitution has changed to the President has the right to submit draft laws to the House of Representatives. In addition, Article 20 paragraph 1 of the Constitution Before the Amendment also underwent changes, namely that previously stated that each law required the approval of the House of Representatives to change to the House of Representatives holding the power to form laws. This shows that the power of the President after the amendment to the 1945 Constitution in the field of legislation has decreased significantly. This shows that changes in the rules relating to the power of the President by all groups are considered to have occurred a

shift from executive heavy to legislative heavy. Article 20 paragraph (2) states that each draft law is discussed by the House of Representatives and the President for mutual approval and the achievement of a checks and balances system in the field of legislation in the Constitution after the amendment. Although the principle of checks and balances has been achieved after the amendment to the 1945 Constitution, in practice there are disputes/conflicts between the President and the DPR in the field of legislation. This research is a qualitative research with descriptive analysis design. This problem is viewed from a legal comparison with normative juridical research methods and descriptive writing.