

Problematika Fast Track Legislation Dalam pembentukan Undang-Undang di Indonesia = The problems of Fast Track Legislation in the Formation of Laws in Indonesia

Asri Rezki Saputra, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20528535&lokasi=lokal>

Abstrak

Di Indonesia ketidaktertiban masyarakat salah satunya dipengaruhi oleh pembentukan UU yang banyak mendapat sorotan dalam kurun waktu 2 (dua) tahun terakhir dibawah periode kedua pemerintahan Presiden Joko Widodo dan Wakil Presiden Maaruf Amin. Kegaduhan tersebut disebabkan oleh adanya fenomena dalam pembentukan Undnag-Undang yang kerap dianggap tidak berkualitas yang disebabkan pembahasan yang sembunyi-sembunyi, tidak transparan, dan terkesan terburu-buru (fast track legislation). Mekanisme fast track legislation tidak dikenal di Indonesia, namun terhadap beberapa kasus terkesan mengadopsi mekanisme tersebut seperti UU Komisi Pemberantasan Korupsi, UU Mineral dan Batu Bara, UU Mahkamah Konstitusi, UU Cipta Kerja, dan UU Ibu Kota Negara. Penelitian ini akan memfokuskan pada permasalahan: Pertama, Bagaimana pengadopsian fast track legislation dalam pembentukan UU; Kedua, Problematika apa saja yang ditimbulkan dari pengadopsian fast track legislation dalam pembentukan UU di Indonesia; dan Ketiga Bagaimana gagasan alternatif dalam pengadopsian pembentukan UU melalui pendekatan fast track legislation. Adapun metode penelitiannya adalah penelitian yuridis normatif.

Hasil penelitian dengan analisis argumentatif dapat disimpulkan, bahwa beberapa kasus pembentukan undang-undang terkesan mengadopsi prosedur fast track seperti Pertama, UU KPK (waktu 12 hari). Kedua, UU Minerba (waktu kurang dari 3 bulan dan dilakukan rapat secara tertutup); Ketiga, UU MK (waktu 7 hari dan dibahas secara tertutup); Keempat, UUCK (waktu 167 hari dan merupakan revisi dari 79 UU) dan Kelima, UU IKN (waktu 43 hari). Bahwa pembentukan UU yang dilakukan tergesa-gesa berdampak terhadap demokrasi, minus legitimasi, minimnya partisipasi publik, dan terjadi politik akomodatif MK.

.....In indonesia one of the reasons the public disorders occurred was caused by the lawmaking process in which made it to the centre of public eye within the last two years under the President Joko Widodo and Vice President Maaruf Amin period. The disruption occured because the phenomenon of law making process was lack of quality as a result of the lack of transparency and the fast track registration. The fast track registration is highly unknown in Indonesia yet in some cases, the fast track registration was implemented for instance on the Corruption Eradication Commission Law, the Mining and Coal Law, the Constitutional Court Law, Omnibus Law and Capital City Law.

This research is focused on issues: First, how does the fast track registration implement on the law making process; Second, what are the issues arised on the implementation of fast track registration on the lawmaking process; Third, How does the alternative concept on adopting law making process by implementing fast track legislation approach. Though this thesis is based on juridical-normative research. The results of research with the argumentative analysis are in some cases on law making process seemingly implementing the fast track registration such as on: first, the Corruption Eradication Commission Law (12 days), second the Mining and Coal Law (less than 3 months and discussed privately), third the Constitutional Court Law (7 days and discussed privately), fourth Omnibus Law (167 days and revisions of 79 law) and fifth Capital City Law (43 days). Whereas, the lawmaking process was done feverishly in which

made impacts on democracy, lack of legitimacy, lack of public participation and political accommodation.