

INTISARI

Pada periode 2019-2022, pola-pola legislasi cepat (*fast-track legislation*) mulai bermunculan di Indonesia. Menariknya, sejauh ini Indonesia tidak mengenal legislasi jalur cepat dalam aturan formal proses pembuatan undang-undang. Hal ini kemudian mengundang perdebatan di berbagai kalangan, terutama terkait dengan kualitas dan urgensi legislasi yang dimaksud, karena faktanya produk legislasi cepat tahun 2019-2022 diajukan uji materi ke Mahkamah Konstitusi tak lama setelah diberlakukan. Sebagai negara yang tidak mengadopsi pengaturan *fast-track legislation* atau legislasi cepat dalam aturan formil, maka pertanyaan mendasar yang hendak dijawab dalam penelitian ini apakah selama ini legislasi cepat yang cenderung identik dengan *fast-track legislation* telah eksis di Indonesia sejak masa-masa kemerdekaan hingga saat ini, serta bagaimana analisis terhadap eksistensinya, apakah penerapannya menimbulkan manfaat atau problematika.

Metode penelitian yang digunakan dalam penelitian ini adalah penelitian hukum normatif. Penelitian ini juga bersifat deskriptif, yang menggunakan beberapa pendekatan, yakni: pendekatan perundang-undangan, pendekatan kasus, pendekatan konseptual, pendekatan sejarah, serta pendekatan perbandingan.

Terdapat beberapa hasil penelitian dalam penelitian ini, yakni: *pertama*, dalam konteks Indonesia eksistensi *fast-track legislation* telah pada masa kemerdekaan, Orde Lama, Orde Baru, Reformasi, hingga saat ini. meskipun demikian, eksistensinya mengalami pasang-surut bahkan memiliki karakter hukum, akuntabilitas, urgensi, dan manfaat bahkan permasalahan yang berbeda-beda. Hal ini rupanya juga dipengaruhi oleh jenis sistem pemerintahan yang digunakan, konfigurasi politik dan jenis keadaan negara. Ada tiga landasan keadaan yang mendasari *fast-track legislation* di Indonesia, yakni: keadaan darurat, kebutuhan hukum dan kecenderungan otoritarianisme. *Ketiga*, problematika yang berkaitan dengan *fast-track* baru muncul pada saat terdapat keadaan ketigam yakni kecenderungan otoritarianisme, yang mana problematikanya meliputi: minimnya partisipasi publik, potensi penyalahgunaan wewenang oleh pembentuk undang-undang; serta ketidakstabilan sistem hukum, terutama sistem perencanaan legislasi.

Kata kunci: eksistensi, *fast-track legislation*, legislasi, problematika

ABSTRACT

In the 2019-2022 period, patterns of fast-track legislation began to emerge in Indonesia. Interestingly, so far Indonesia does not recognize fast-track legislation in the formal rules of the law-making process. This then invited debate in various circles, especially regarding the quality and urgency of the legislation in question, due to the fact that the 2019-2022 fast-track legislation products were submitted for judicial review to the Constitutional Court shortly after they were enacted. As a country that does not adopt fast-track legislation in its formal rules, the fundamental question to be answered in this research is whether fast legislation, which tends to be synonymous with fast-track legislation, has existed in Indonesia since the days of independence until now, and how to analyze its existence, whether its application has caused benefits or problems.

The research method used in this study is normative legal research. This research is also descriptive, which uses several approaches, namely: statutory approach, case approach, conceptual approach, historical approach, and comparative approach.

There are several research results in this study, namely: first, in the Indonesian context, the existence of fast-track legislation has been during independence, the Old Order, the New Order, Reform, until now. However, its existence has experienced ups and downs and even has different legal characters, accountability, urgency, and benefits and even problems. This is apparently also influenced by the type of government system used, the political configuration and the type of state of the country. There are three basic conditions underlying fast-track legislation in Indonesia, namely: emergencies, legal needs and authoritarianism tendencies. Third, the problems associated with fast-track only arise when there is a third state, namely the tendency of authoritarianism, where the problems include: lack of public participation, potential abuse of authority by lawmakers; and instability of the legal system, especially the legislative planning system.

Keywords: *existence, fast-track-legislation, legislation problems*