

PENATAAN PENGATURAN ETIKA LARANGAN CONFLICT OF INTEREST PRESIDEN DALAM SISTEM PRESIDENSIAL DI INDONESIA

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INTISARI

Penelitian ini mengkaji kelemahan peraturan perundang-undangan untuk mencegah *conflict of interest* Presiden dalam sistem presidensial di Indonesia, menganalisis sanksi dan penegakan sanksi praktik *conflict of interest* Presiden di Indonesia, dan mendesain pengaturan larangan etika *conflict of interest* Presiden dalam sistem presidensial di Indonesia. Kajian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan konseptual, pendekatan kasus dan pendekatan perbandingan. Hasil penelitian menunjukkan: Pertama, kelemahan peraturan perundang-undangan untuk mencegah *conflict of interest* Presiden dalam sistem presidensial di Indonesia hanya diatur secara implisit dalam peraturan perundang-undangan baik dalam UUD NRI Tahun 1945 maupun dalam undang-undang. Kelemahan lainnya, dalam undang-undang tidak disesuaikan dengan karakteristik jabatan Presiden sehingga sulit diterapkan dan ditegakkan. Kedua, bentuk sanksi praktik *conflict of interest* berupa sanksi etik dan sanksi hukum. Adapun penegakan sanksi praktik *conflict of interest* Presiden pada era pemerintahan pasca amandemen UUD NRI Tahun 1945 ditegakkan di pemerintahan Presiden Abdurrahman Wahid. Akan tetapi, pada pemerintahan Presiden Susilo Bambang Yudhoyono dan Presiden Joko Widodo pengenaan sanksi praktik *conflict of interest* Presiden tidak pernah ditegakkan. Ketiga, desain penataan pengaturan etika larangan *conflict of interest* Presiden dalam sistem presidensial di Indonesia dapat diatur dalam undang-undang yang mengatur mengenai pelaksanaan kekuasaan Presiden atau undang-undang yang lebih khusus lainnya. Ruang lingkup pengaturan *conflict of interest* Presiden dapat mencakup pra-menjabat (syarat pencalonan Presiden), saat menjabat (pelaksanaan kekuasaan Presiden), dan pasca menjabat. Pengawasan dan penegakan larangan *conflict of interest* Presiden diawasi dan tegakkan oleh DPR dengan menggunakan fungsi pengawasan yang dapat berujung pada proses pemberhentian Presiden.

Kata Kunci: Etika Larangan *Conflict of Interest*, Kekuasaan Presiden, Sistem Presidensial, Pengaturan Etika.

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***ETHICAL PROVISIONS PROHIBITING CONFLICTS OF INTEREST FOR
THE PRESIDENT IN THE INDONESIAN PRESIDENTIAL SYSTEM***

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ABSTRACT

This research examines the weaknesses of legislative regulations to prevent conflict of interests of the President in the presidential system in Indonesia, analyzes sanctions and enforcement of sanctions for the President's conflict of interest practices in Indonesia, and designs regulations prohibiting the ethical conflict of interest of the President in the presidential system in Indonesia. This study uses normative legal research methods with a statutory, conceptual, case, and comparative approach. The research results show that, first, the weakness of statutory regulations to prevent conflict of interests of the President in the presidential system in Indonesia is only regulated implicitly in statutory regulations both in the 1945 Constitution of the Republic of Indonesia and in law. Another area for improvement is that the law needs to be adapted to the characteristics of the President's office, making it challenging to implement and enforce. Second, the forms of sanctions for conflict of interest practices are ethical and legal. The enforcement of sanctions for the President's conflict of interest practices in the government era following the amendment to the 1945 Constitution of the Republic of Indonesia was enforced by the government of President Abdurrahman Wahid. However, under the administration of President Susilo Bambang Yudhoyono and President Joko Widodo, the imposition of sanctions for the President's conflict of interest practices was never enforced. Third, the design of the ethical arrangements for prohibiting conflict of interests of the President in the presidential system in Indonesia can be regulated in a law that regulates the implementation of the President's powers or other more specific laws. The scope of the President's conflict of interest regulations can include pre-service (conditions for Presidential candidacy), while in office (exercise of Presidential powers), and post-service. Monitoring and enforcing the President's conflict of interest prohibition is supervised and enforced by the DPR using its supervisory function and the right to inquiry, which can lead to the process of dismissing the President.

Keywords: *Ethics Prohibiting Conflict of Interest, Presidential Power, Presidential System, Ethical Regulations.*

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