

ABSTRAK

PENATAAN FUNGSI PENGAWASAN DEWAN PERWAKILAN RAKYAT TERHADAP PEMERINTAH DALAM SISTEM PRESIDENSIAL INDONESIA

Zulkarnain Ridlwan

Tujuan penelitian ini mencakup tiga hal: *Pertama*, memperoleh gambaran *original intent* pengaturan fungsi pengawasan DPR dalam sistem presidensial Indonesia menurut pembentuk UUD 1945 (sebelum dan sesudah perubahan 1999-2002), dan menjadikannya sebagai alat ukur konsistensi rumusan UU Susduk/ UU MD3 yang pernah dan sedang berlaku. *Kedua*, memperoleh gambaran karakter sistem presidensial menurut para ahli guna menentukan batasan interaksi pengawasan lembaga legislatif atas eksekutif yang dipakai untuk menilai keselarasannya dengan pengaturan fungsi pengawasan DPR dalam UUD 1945 dan UU Susduk/ UU MD3. *Ketiga*, menjabarkan gagasan penataan fungsi pengawasan DPR yang selain bersandar pada *original intent* dan mengadopsi utuh prinsip dasar dari doktrin presidensial, juga mengambil pengalaman pengaturan dari negara terbanding untuk mengatasi kelemahan penegakan hukum bidang pengawasan pemerintahan dalam sistem presidensial.

Guna menelaah data, penelitian hukum normatif ini menggunakan pendekatan historis, pendekatan undang-undang, pendekatan konseptual, dan pendekatan perbandingan. Hasil penelitian menunjukkan bahwa pengaturan fungsi pengawasan DPR dalam UU MD3 belum sepenuhnya selaras dengan *original intent* yang telah menjadi konsensus dalam UUD 1945, dan belum secara utuh mengadopsi prinsip dasar sistem presidensial. Perlu penataan pengaturan yang bersandar pada *original intent*, dan mengadopsi penuh prinsip dasar yang melekat pada sistem presidensial.

Temuan penelitian juga menunjukkan, bahwa batasan interaksi antara lembaga legislatif dan eksekutif sebagaimana digariskan doktrin presidensial menjadi kelemahan bagi penegakan hukum bidang pengawasan pemerintahan. Kondisi ini dikarenakan lembaga legislatif sebagai pengawas tidak dibekali kekuatan eksekutorial untuk mengawal pelaksanaan rekomendasi pengawasannya. Telaah perbandingan pengaturan dari negara bersistem presidensial digunakan untuk menemukan alternatif cara mengatasi kelemahan tersebut. Berdasarkan telaah perbandingan itu, diajukan beberapa gagasan penataan pengaturan fungsi pengawasan DPR dalam sistem presidensial Indonesia melalui perubahan UU MD3 yaitu: 1) Penggunaan fungsi legislasi dan fungsi anggaran sebagai mekanisme *checks and balances* bagi fungsi pengawasan DPR; 2) Pelibatan DPD sebagai kamar kedua pengawasan dengan opsi pelembagaan Badan Petisi Publik; dan 3) Pengaturan hak *subpoena* terbatas dalam hak angket.

Kata Kunci: *DPR RI, Fungsi Pengawasan, Pemerintah, Penataan, Sistem Presidensial Indonesia*

ABSTRACT

STRUCTURING THE OVERSIGHT FUNCTION OF THE HOUSE OF REPRESENTATIVE (DPR) ON GOVERNMENT IN THE INDONESIAN PRESIDENTIAL SYSTEM

Zulkarnain Ridlwan

The purpose of this study includes three things: First, obtaining a description of original intention of the DPR's oversight function regulation in Indonesian presidential systems according to the 1945 Constitution (before and after the 1999-2002 changes), and make it a measure of the consistency of the Susduk Law/ MD3 Law that have been in force and are in force. Second, obtaining a description of the presidential system character according to experts to determine the interaction boundaries of legislative oversight upon executive and used it to assess the alignment regulation of the DPR's oversight function in the 1945 Constitution and the Susduk Law/ MD3 Law. Third, outlines the idea of structuring the DPR's oversight function, which in addition to relying on the original intent and adopting the full basic principles of presidential doctrine, also compare the regulation experiences from another state in overcoming the weaknesses of government oversight's law enforcement in presidential systems.

To examine the data, this normative legal research uses historical approach, legal approach, conceptual approach, and comparative approach. The results of the study indicate that the regulation of the DPR's oversight function in the MD3 Law has not been fully aligned with the original intent which has become a consensus in the 1945 Constitution, and has not fully adopted the basic principles of a presidential system. It is necessary to regulate arrangements that rely on the original intent, and adopt the full basic principles inherent in the presidential system.

The research findings also show that the limits of interaction between the legislative and executive institutions as outlined in presidential doctrine become weakness for law enforcement in the field of government oversight. This condition caused by the legislative body as a supervisor that not provided with executive powers to oversee the implementation of its recommendations. A comparison study of arrangements from presidential system states used to find alternative ways to overcome these weaknesses. Based on the comparative study, several ideas were proposed for structuring the regulation of the DPR's oversight function in Indonesian presidential systems through amendments to the MD3 Law, namely: 1) Use of legislative functions and budget functions as a mechanism of checks and balances for the DPR's oversight function; 2) The involvement of the DPD as the second room of supervision with the option of institutionalizing the Public Petition Agency; and 3) Regulations on subpoena rights limited to inquiry rights.

Key words: Government, House of Representative (DPR), Indonesian Presidential System, Oversight Function, Structuring