

## **DINAMIKA PENGATURAN PEMBERHENTIAN PRESIDEN DAN/ATAU WAKIL PRESIDEN DALAM MASA JABATANNYA MENURUT SISTEM KETATANEGARAAN DI INDONESIA**

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### **INTISARI**

Dalam sejarah ketatanegaraan di Indonesia, dimana sebelum amandemen UUD 1945, dua presiden Indonesia yaitu Soekarno dan Abdurrahman Wahid diberhentikan ditengah masa jabatannya. Namun saat itu belum ada pengaturan yang jelas mengenai proses *impeachment* dalam UUD 1945 (sebelum perubahan). Akhirnya saat amandemen ketiga UUD 1945 dirumuskan pasal 7A *jo* 7B mengenai *impeachment* presiden dan/atau wakil presiden. Untuk itu penulis akan meneliti tentang dinamika pengaturan pemberhentian presiden dan/atau wakil presiden dalam masa jabatannya di Indonesia sebelum dan sesudah amandemen UUD 1945.

Penelitian ini bersifat yuridis normatif. Jenis data yang digunakan adalah data sekunder. Sebagai penelitian hukum kepustakaan, penelitian ini dilakukan dengan cara melakukan studi kepustakaan atau studi dokumen cetak maupun digital untuk mencari aturan hukum dan berbagai sumber pustaka yang berkaitan dengan topik yang akan diteliti. Menggunakan teknik analisa data deskriptif kualitatif, yaitu dengan menguraikan, menjabarkan, menggambarkan dan menjelaskan konsep dan teori yang digunakan oleh penulis sebagai landasan pembahasan.

Hasil dari penelitian ini penulis menyimpulkan bahwa tujuan perumusan pasal 7A *jo* 7B UUD 1945 saat amandemen ketiga UUD 1945 adalah 1) untuk semakin mengukuhkan supremasi hukum di Indonesia terbukti dengan dilibatkannya MK sebagai peradilan ketatanegaraan dan alasan *impeachment* yang kini dilimitasi dalam bingkai hukum. 2) menguatkan sistem presidensial dimana presiden memiliki jabatan tetap (*fix term*) dan bertanggungjawab langsung kepada rakyat, sehingga Presiden tidak dengan mudah dijatuhkan oleh parlemen (mosi tidak percaya) di tengah masa jabatannya seperti praktek dalam sistem parlementer. 3) prosedural *impeachment* dibuat lebih sulit dengan tiga tahapan (DPR, MK, MPR) dimaksudkan untuk menjaga stabilitas politik dan pemerintahan, sekaligus menghormati hasil pemilu yang sudah dipilih langsung oleh rakyat sebagai pemegang kedaulatan tertinggi dalam negara hukum yang bersifat demokratis.

**Kata Kunci:** Konstitusi, Mekanisme, Impeachment, Presiden dan Wakil Presiden

## **THE DYNAMICS POLICY OF IMPEACHMENT OF THE PRESIDENT AND/OR VICE PRESIDENT IN THE TERM OF OFFICE ACCORDING TO THE INDONESIAN CONSTITUTIONAL SYSTEM**

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### **ABSTRACT**

Learn from historical experience of the nation, specially before the amendments of UUD 1945, two of the former Indonesian President, Ir. Soekarno and Dr. Abdurrahman Wahid was removed from the office on impeachment. But at that era the absence of regulations regarding impeachment of the nation leader in UUD 1945 (earlier version). Finally, the Third Amendment of UUD 1945 interpolate 2 articles (7A jo 7B) to regulate about the impeachment of the president and/or vice president. To this end, the writer is curious to do some research about the dynamics regulation of impeachment of the president and/or vice president in the term of office in Indonesia before and after the amandment of constitution of Indonesia.

This research was a normative-juridical research. The data which was used by this research was secondary data from literature study. For a law literature study, this research was done by researching relevant articles of law and governmental documents either printed or digital and other types of reference which was related to the topic. The analysis was done by using descriptive-qualitative method to elaborate, depict, describe, and explain about the concept and theory which was used by the writer as its foundation of explanation.

As the result of this research, the writer concludes that the goal of article 7A jo 7B formulation in the UUD 1945 was to a) Cementing the supremacy of law in Indonesia, which was proven by the involvement of Constitution Court of Law in its process and the reason of impeachment was limited only in the limits of law, b) Enforcing the presidential system where president have a fixed term and answer directly to the people, thus cannot be impeached easily by the parliament (concure of vote) in term of service as usually happened/found in the parliamentary governmental system, c) Make the impeachment process more complex by requiring it to pass through 3 stages (DPR, MK, MPR), so that the final result of impeachment was taken by the majority of the people's representative, the court of law, and the high parliament. Thus, resulting in a democratic chance in the process and a democratic result, while still uphold the value of general election by the people that appointed someone as a president/vice president, supposedly the highest position in the nation.

**Keywords:** Constitution, Mechanism, Impeachment, President and Vice President