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Pergeseran Tafsir Konstitusional Mahkamah Konstitusi Kesenjangan Pemilu
ABDUL HAKIM, Andy Omara, S.H., M.Pub&Int.Law., Ph.D.
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PERGESERAN TAFSIR KONSTITUSIONAL MAHKAMAH KONSTITUSI TERHADAP KESERENTAKAN PEMILU

Oleh:

Abdul Hakim

INTISARI

Penelitian dengan judul “Pergeseran Tafsir Konstitusional Mahkamah Konstitusi Terhadap Kesenjangan Pemilu” Penelitian ini ingin mengetahui pergeseran tafsir putusan Mahkamah Konstitusi tentang pemilu serentak. Penelitian ini merupakan penelitian hukum normatif/ atau disebut juga doctrinal. Data yang digunakan data sekunder yang terdiri dari beberapa bahan hukum primer, bahan hukum sekunder, bahan hukum tersier. Bahan hukum tersebut adalah berbentuk perundang-undangan dan pendapat ahli hukum. Teknik yang dalam pengumpulan data ini dengan penelitian kepustakaan. Data yang didapat akan dianalisis dengan pendekatan deskriptif kualitatif terhadap data yang skunder.

Hasil penulis menarik dua kesimpulan yaitu, pergeseran tafsir konsitusional Mahkamah Konstitusi terhadap kesenjangan pemilu disebabkan ; a) ditemukan dalam *orginal intent* Pasal 22E ketika dilacak selama perubahan konstitusi ditemukan ide dan gagasan tentang pemilu serentak banyak sekali sehingga Mahkamah berpendapat kesenjangan pemilu menjadi kebijakan terbuka, selama menjaga kesenjangan pemilihan Anggota Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, Presiden dan Wakil Presiden; b) bahwa pemilu serentak lima kotak ditemukan tidak memperkuat sistem presidensial karena tidak mempunyai hubungan horizontal, yang mempunyai konsekuensi logis terhadap penguatan sistem presidensial pemilihan anggota Legislatif (DPR, DPD) tingkat pusat Presiden dan Wakil Presiden; dan kedua, putusan tersebut mempunyai implikasi terhadap desain kewenangan penyelesaian sengketa pilkada, karena dalam terminologi putusan tersebut sudah tidak membedakan pemilu atau pilkada, maka sengketa pilkada tetap ke Mahkamah Konstitusi.

Kata Kunci: Tafsir Konstitusional, Pemilu Serentak, Sengketa Pemilu.

The Shift in Constitutional Interpretation of the Constitutional Court on Simultaneous Elections

By:
Abdul Hakim

Abstract

Research with the title "*The Shift in Constitutional Interpretation of the Constitutional Court on Simultaneous Elections*" is a study that starts from two problems, namely: a) Why the Constitutional Court in decision No. 55 / PUU-XVI / 2019 changing the interpretation of the concurrency of the election which has been stipulated in decision No.14 / PUU-XI / 2013; b) What are the implications of the shift in the constitutionality interpretation of the simultaneous election on the interpretation of the Constitutional Court regarding the electoral regime and the authority for resolving election / regional election disputes. This study wants to find out the shift in the simultaneous interpretation of the election No.55 / PUU-XVI / 2019, and to find implications for the design of the dispute over election results / Pilkada results.

This research is a normative / doctrinal law research. This study uses secondary data consisting of several primary legal materials, secondary legal materials, and tertiary legal materials. The legal material is in the form of legislation and legal expert opinion. The technique in collecting this data is library research. The data obtained will be analyzed using a qualitative descriptive approach to secondary data.

The results of the authors draw two conclusions, namely, the shift in the constitutional interpretation of the Constitutional Court towards simultaneous elections was caused; a) found in the original intent of Article 22E when traced during the amendment of the constitution, there were so many ideas and ideas about simultaneous elections that the Mahkamah argued that simultaneous elections were an open policy, as long as maintaining the simultaneous election of Members of the People's Representative Council, Regional Representative Council, President and Vice President; b) that the five-box simultaneous elections were found not to strengthen the presidential system because they did not have a horizontal relationship, which had logical consequences for strengthening the presidential system for electing members of the legislature (DPR, DPD) at the central level of the President and Vice President; and secondly, the decision has implications for the design of the authority to settle election disputes, because in terms of the decision there is no distinction between elections or pilkada, the election disputes remain with the Constitutional Court.