

INTISARI

PENAFSIRAN MAHKAMAH KONSTITUSI TERHADAP REZIM PEMILIHAN KEPALA DAERAH DAN IMPLIKASINYA TERHADAP PENYELESAIAN PERSELISIHAN HASIL PEMILIHAN KEPALA DAERAH DI INDONESIA

Prima Widya Putri,¹ Andy Omara.²

Penelitian ini bertujuan untuk mengetahui bagaimana penafsiran Mahkamah Konstitusi terhadap rezim pemilihan kepala daerah dan implikasinya terhadap penyelesaian perselisihan hasil pemilihan kepala daerah di Indonesia.

Jenis penelitian ini adalah penelitian hukum normatif. Bentuk data dalam penelitian ini terdiri dari data primer yang diperoleh dari narasumber dan data sekunder yang diperoleh dari peraturan perundang-undangan, buku dan karya ilmiah. Hasil penelitian dianalisis dengan metode kualitatif yang bersifat deskriptif.

Berdasarkan penelitian ini diperoleh hasil bahwa *pertama*, dalam perkembangan peraturan perundang-undangan di Indonesia, dinamika Pilkada dimasukkan dan dikeluarkan dari rezim pemilu mengalami perubahan-perubahan sesuai aturan perundang-undangan yang dibentuk oleh pembentuk undang-undang dan perlu dilakukan perubahan undang-undang untuk mengakomodir putusan MK terbaru. *Kedua*, adanya perbedaan putusan dalam menafsirkan rezim Pilkada dapat terjadi karena banyak faktor baik itu secara internal maupun eksternal, bagaimana interpretasi hakim dalam memutus perkara dan komposisi hakim dapat mempengaruhi putusan. *Ketiga*, MK sampai saat ini dapat dianggap tepat sebagai Lembaga penyelesaian perselisihan hasil Pilkada karena system penyelesai sengketa Pilkada di MK telah berjalan cukup lama sehingga dari segi kelembagaan, pengaturan maupun sarana dan prasara MK jauh lebih siap menangani konflik politik dibandingkan dengan membentuk peradilan khusus.

Kata Kunci: Penafsiran Mahkamah Konstitusi, Rezim Pilkada, Penyelesaian Perselisihan Hasil Pilkada.

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ABSTRACT

INTERPRETATION OF THE CONSTITUTIONAL COURT OF THE REGIONAL HEAD ELECTION REGIME AND ITS IMPLICATIONS FOR DISPUTE RESOLUTION OF THE RESULTS OF THE ELECTION OF REGIONAL HEAD IN INDONESIA

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This study aims to determine how the Constitutional Court's interpretation of the regional head election regime and its implications for the settlement of disputes over the results of regional head elections in Indonesia.

This type of research is normative legal research. The form of data in this study consists of primary data obtained from sources and secondary data obtained from statutory regulations, books and scientific papers. The results of the study were analyzed using descriptive qualitative methods.

Based on this research, the results show that first, in the development of laws and regulations in Indonesia, the dynamics of regional head elections included and excluded from the electoral regime have undergone changes according to the laws and regulations established by the legislators and it is necessary to amend the laws to accommodate them. latest Constitutional Court verdict. Second, differences in decisions in interpreting the regional head elections regime can occur due to many factors, both internally and externally, how the judge's interpretation in deciding cases and the composition of judges can influence decisions. Third, the Constitutional Court until now can be considered appropriate as an institution for dispute resolution over the results of the regional head elections because the election dispute resolution system in the Constitutional Court has been running for quite a long time so that in terms of institutions, regulations as well as facilities and inscriptions the Constitutional Court is much more prepared to handle political conflicts than to form a special court.

Keywords: The interpretation of the Constitutional Court, the regional head elections Regime, election result dispute resolution.

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