

ABSTRAK

Implikasi Pemilihan Secara Paket Berdasarkan UU Nomor 17 Tahun 2014 terhadap Hak Memilih dan Dipilih Anggota DPR untuk Menjadi Pimpinan DPR

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Pasal 20A ayat (3) UUD NRI Tahun 1945 mengatur bahwa setiap anggota DPR memiliki hak mengajukan pertanyaan, menyampaikan usul dan pendapat, serta hak imunitas. Pasal 20A ayat (4) UUD NRI Tahun 1945 kemudian memberikan kewenangan kepada pembentuk UU untuk mengatur lebih lanjut mengenai hak-hak anggota DPR. Sebagai tindak lanjut dari ketentuan UUD NRI Tahun 1945 tersebut, pembentuk UU memberikan hak memilih dan dipilih kepada setiap anggota DPR yang diatur secara konsisten dalam UU Nomor 22 Tahun 2003, UU Nomor 27 Tahun 2009, serta UU Nomor 17 Tahun 2014.

Ketiga UU tersebut memberikan pengertian terhadap hak memilih dan dipilih, yaitu hak setiap anggota DPR untuk menduduki jabatan tertentu pada alat kelengkapan DPR. Pimpinan merupakan salah satu alat kelengkapan DPR. Berdasarkan UU Nomor 27 Tahun 2009, pimpinan DPR berasal dari partai politik yang memperoleh suara terbanyak, sementara UU Nomor 17 Tahun 2014 mengganti ketentuan tersebut dengan menentukan bahwa pimpinan DPR dipilih dari dan oleh anggota DPR secara paket. Perubahan tersebut berkaitan erat dengan hak memilih dan dipilih anggota DPR untuk menjadi pimpinan DPR.

Penelitian ini merupakan penelitian hukum normatif dengan mengkaji bahan hukum mengenai pemilihan secara paket pimpinan DPR berdasarkan UU Nomor 17 Tahun 2014. Penelitian ini dilakukan melalui pendekatan peraturan perundang-undangan dan pendekatan historis. Data-data yang berkaitan dianalisis secara deskriptif kualitatif.

Hasil penelitian ini menunjukkan bahwa pemilihan pimpinan DPR secara paket yang diatur dalam UU Nomor 17 Tahun 2014 memberikan implikasi terhadap hak memilih dan dipilih anggota DPR untuk menjadi pimpinan DPR, yaitu mengenai pengaturan hak memilih dan dipilih anggota DPR untuk menjadi pimpinan DPR serta memaksa partai politik memaksa partai politik untuk membentuk koalisi dalam hal pengisian pimpinan DPR.

ABSTRACT

***Implications of Package System Based on the Law Number 17 of 2014
toward Rights to Elect and to be Elected of the Members of the People's
Representative Council to be the Leader of the People's Representative Council***

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Article 20A Paragraph (3) of NRI Constitution of 1945 provides that any member of the People's Representative Council has the right to ask questions, submit suggestions and opinions, and the right of immunity. Then Article 20A Paragraph (4) of NRI Constitution of 1945 gave authority to the legislator to set out more about the rights of the members of People's Representative Council. As a follow up to the provision, legislator gave the right to elect and to be elected to each member of People's Representative Council and consistently regulated in the Law Number 22 of 2003, Law Number 27 of 2009 and Law Number 17 of 2014.

These three laws provide an understanding of the right to elect and to be elected as the right of every member of People's Representative Council to occupy certain positions in the People's Representative Council fittings. Leader is one of the fittings of People's Representative Council. Based on the Law Number 27 of 2009, the leader of the People's Representative Council come from political parties with the most votes, while Law Number 17 of 2014 replaced that provision by specifying that the leader of People's Representative Council are elected from and by the members of the People's Representative Council by package system. The amendment is closely related to the rights to elect and to be elected of the members of People's Representative Council to become the leader of People's Representative Council.

This research was a normative legal research by reviewing the legal materials about package system based on Law Number 17 of 2014. It was conducted by statutory approach and historical approach. Data which is related with the research, was analyzed by descriptive qualitative method.

The results of this research show that package system which is used in the leader election of the People's Representative Council based on the Law Number 17 of 2014 implies the right to elect and to be elected of members of the People's Representative Council to become the leader, which is about setting the right to elect and to be elected members of People's Representative Council to become the leader of People's Representative Council and force the political parties to form a coalition in case of charging the leader of People's Representative Council.