

ABSTRAK

Penelitian ini mengkaji tentang Rekonstruksi Kewenangan Legislasi Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Republik Indonesia Berbasis Keadilan Bermartabat. Lembaga Dewan Perwakilan Daerah ini dibentuk menjadi lembaga perwakilan daerah yang bertujuan untuk mengartikulasikan kepentingan daerah dalam rangka pengambilan keputusan di tingkat nasional. Namun faktanya, tugas dan fungsi dari lembaga ini hanya sebatas dapat mengajukan, mengusulkan, dan ikut membahas yang berkaitan dengan otonomi daerah, pembentukan dan pemekaran serta penggabungan daerah, pengelolaan sumber daya alam dan sumber daya ekonomi lainnya, serta yang berkaitan dengan perimbangan keuangan pusat dan daerah.

Fokus kajian penelitian ini adalah: (1) Bagaimana Kewenangan Kelembagaan Perwakilan Rakyat Terhadap Fungsi Legislasi Dewan Perwakilan Daerah di Indonesia; (2) Bagaimana Implikasi Putusan Mahkamah Konstitusi Terhadap Penguatan Fungsi Legislasi Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Republik Indonesia; (3) Bagaimana Rekonstruksi Kewenangan Legislasi Dewan Perwakilan Daerah Republik Indonesia Berbasis Keadilan Bermartabat.

Paradigma yang digunakan dalam penelitian ini merupakan paradigma post-positivisme, yakni aliran yang ingin memperbaiki kelemahan-kelemahan positivisme. Jenis penelitian ini adalah penelitian hukum normatif atau yuridis-normatif, yakni penelitian yang secara doktrinal meneliti dasar aturan dan perundang-undangan mengenai Kewenangan Legislasi Dewan Perwakilan Daerah Dalam Sistem Ketatanegaraan Republik Indonesia Berbasis Keadilan Bermartabat, dengan melakukan analisis terhadap kelembagaan perwakilan rakyat dalam kewenangan legislasi. Teori yang digunakan dalam penelitian ini adalah Teori Kedaulatan, Teori Pembagian Kekuasaan, dan Teori Keadilan Bermartabat.

Berdasarkan hasil penelitian bahwa Kewenangan DPD dalam bidang legislasi memang sangat lemah, dan juga sudah pernah dilakukan upaya penguatan melalui lembaga Mahkamah Konstitusi, namun faktanya tetap saja seperti semula, oleh karenanya perlu ditata ulang lewat perubahan Undang-Undang Dasar 1945 khususnya pasal yang berkaitan dengan kewenangan lembaga Dewan Perwakilan Daerah, serta regulasi implementasi Putusan Mahkamah Konstitusi, yang pada akhirnya akan terwujud kewenangan lembaga perwakilan yang Berbasis Keadilan Bermartabat. Adapun yang menjadi rekonstruksi dalam penelitian ini yakni Pasal 20 ayat (2) UUD 1945, Setiap Rancangan Undang-Undang dibahas oleh Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah dan Presiden, untuk mendapat persetujuan bersama. Pasal 20 ayat (3) UUD 1945, Dalam hal mendapat persetujuan bersama tersebut, Dewan Perwakilan Daerah sesuai dengan kewenangannya.

Kata Kunci: Rekonstruksi, Fungsi Legislasi, DPD, Keadilan Bermartabat.

ABSTRACT

This research examines the Reconstruction of the Legislative Authority of Regional Representative Council in the Republic of Indonesia State Administration System based on Dignified Justice. This Regional Representative Council institution was formed to become a regional representative institution which aims to articulate regional interests in the framework of decision making at the national level. But in fact, the duties and functions of this institution are limited to being able to initiate, propose, and participate in discussions related to regional autonomy, the formation and expansion and merger of regions, management of natural resources and other economic resources, as well as those relating to the balance of central and regional finances.

The focus of this research study are: (1) How the Institutional Authority of the People's Representatives on the Legislative Function of the Regional Representative Council in Indonesia; (2) What are the implications of the Constitutional Court Decision on the Strengthening of the Legislative Function of the Regional Representative Council in the State Administration System of the Republic of Indonesia (3) How to Reconstruct the Legislative Authority of the Regional Representative Council of the Republic of Indonesia based on dignified justice.

The paradigm used in this study is a post-positivism paradigm, namely a school that wants to correct the weaknesses of positivism. This type of research is normative or juridical-normative legal research, which is research that is doctrinally examining the basis of rules and regulations regarding the Legislative Authority of the Regional Representative Council in the State Administration System of the Republic of Indonesia based on Dignified Justice, by analyzing the institutions of people's representatives in legislative authority. The theory used in this research is the Theory of Sovereignty, The Theory of Division of Power, and The Theory of Dignified Justice.

Based on the results of the research that the DPD's authority in the field of legislation is indeed very weak, and efforts have also been made to strengthen it through the Constitutional Court, but the facts are still the same as before, therefore it needs to be reorganized through amendments to the 1945 Constitution, especially articles relating to authority. Regional Representative Council institutions, as well as regulations on the implementation of Constitutional Court Decisions, which in the end will manifest the authority of representative institutions based on Dignified Justice. As for the reconstruction in this research, namely Article 20 paragraph (2) of the 1945 Constitution, Each Draft Law is discussed by the House of Representatives, the Regional Representative Council and the President, to obtain mutual approval. Article 20 paragraph (3) of the 1945 Constitution, In the event of obtaining such mutual approval, the Regional Representative Council is in accordance with its authority.

Keywords: Reconstruction, Legislation Function, DPD, Dignified Justice.