

ABSTRAK

ZAELANI, “Politik Hukum Revisi Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum Dalam Prolegnas Tahun 2021”

Pasca Pemilu 2019 wacana revisi UU Pemilu semakin kencang tidak terlepas karena kompleksitas penyelenggaraan Pemilu yang menyebabkan beratnya beban kerja penyelenggara sehingga berdampak pada korban jiwa sebagaimana data di Kementerian Kesehatan RI berjumlah 527 Jiwa meninggal dan 11.239 orang sakit. Masalah lain terkait penanganan logistik, penanganan data pemilih, tingginya surat suara tidak sah dan surat suara terbuang, diperkuat adanya putusan Mahkamah Konstitusi Nomor 55/PUU-XVII tentang Desain Model Keserentakan Pemilu. Tahun 2021 Komisi II DPR RI mengusulkan RUU Pemilu masuk Prolegnas prioritas dengan muatan materi menggabungkan UU Pemilu dan UU Pilkada. Berhubung dalam pembahasan di Baleg DPR RI terjadi dinamika politik masing-masing fraksi Partai Politik dan kuatnya pengaruh Presiden yang enggan merevisi UU 7 Tahun 2017 tentang Pemilu sehingga akhirnya RUU Pemilu batal masuk Prolegnas 2021.

Tujuan penelitian tesis ini adalah untuk mengetahui dinamika perkembangan revisi UU Pemilu di Indonesia. Untuk mengetahui pandangan setiap fraksi partai politik di DPR RI terhadap revisi UU No. 7 Tahun 2017 tentang Pemilu dalam Prolegnas Tahun 2021. Untuk mengetahui telaah politik hukum terhadap akibat batalnya revisi UU No. 7 Tahun 2017 tentang Pemilu dalam Prolegnas Tahun 2021.

Penelitian ini berangkat dari pemikiran tentang konsep demokrasi yang mengisyaratkan terlaksananya penyelenggaraan Pemilu sebagai sarana perwujudan kedaulatan rakyat sehingga perlu adanya modernisasi regulasi, dengan berpijak pada teori legislasi, teori politik hukum, teori sistem Pemilu, dan teori demokrasi.

Penelitian tesis ini berjenis kualitatif sedangkan metode yang digunakan adalah penelitian deskriptif analisis dengan pendekatan yuridis normatif, data yang digunakan yaitu data primer, data sekunder, dan data tertier, serta teknik pengumpulan data dengan menggunakan studi kepustakaan dan dokumentasi.

Berdasarkan hasil penelitian bahwa Pertama, dinamika perkembangan revisi UU Pemilu di Indonesia yaitu terjadinya tarik ulur kepentingan antara pemerintah dan fraksi partai politik di DPR RI menyoal pelaksanaan Pemilu, penerapan sistem Pemilu, Parliamentary Threshold, Presidential Threshold, alokasi Dapil, konversi suara dan desain Pemilu. Kedua, Pandangan Fraksi Partai Politik di DPR RI mayoritas Fraksi menolak melanjutkan revisi UU Pemilu dengan alasan tidak ingin adanya normalisasi penyelenggaraan Pilkada Tahun 2022/2023, serta berpandangan bahwa regulasi masih relevan digunakan pada Pemilu kedepan dan karena negara sedang melakukan pemulihan ekonomi akibat Pandemi Covid-19. Ketiga, telaah politik hukum terhadap akibat batalnya revisi UU No 7 Tahun 2017 tentang Pemilu yaitu penyelenggaraan Pemilu 2024 akan tetap menggunakan regulasi yang sama, indikasi terulangnya kompleksitas penyelenggaraan Pemilu yang menyebabkan kematian penyelenggara, terjadinya irisan tahapan Pemilu dengan tahapan Pilkada, menumpuknya penyelesaian sengketa Pemilu di MK, Penunjukan PJS Kepala Daerah tingkat Provinsi dan Kabupaten/Kota, stagnasi penegakan hukum Pemilu, dan tertutupnya ruang digitalisasi Pemilu.

Kata Kunci: Politik Hukum, Legislasi, Sistem Pemilu, Demokrasi

ABSTRACT

ZAELANI, "Legal Politics Revision Of Law Number 7 of 2017 Concerning General Elections in the 2021 National Legislation Program"

After the 2019 election, the discourse on the revision of the Election Law is getting tighter because of the complexity of the implementation of the General Election which causes a heavy workload for the organizers so that it has an impact on fatalities, as data from the Ministry of Health of the Republic of Indonesia totaled 527 people died and 11,239 people were sick. Other problems related to logistics handling, handling of voter data, the high number of invalid ballots and wasted ballots, were reinforced by the decision of the Constitutional Court Number 55/PUU-XVII on the Design of the Simultaneous Election Model. In 2021 Commission II of the Indonesian House of Representatives proposes the Election Bill to be included in the priority National Legislation Program with the material content of combining the Election Law and the Pilkada Law. Due to the discussion at the Legislative Assembly of the Republic of Indonesia, there were political dynamics of each political party faction and the strong influence of the President who was reluctant to revise Law 7 of 2017 concerning General Elections so that the Election Bill was finally canceled for the 2021 Prolegnas.

The purpose of this thesis research is to determine the dynamics of the development of the revision of the Election Law in Indonesia. To find out the views of each political party faction in the DPR RI on the revision of Law no. 7 of 2017 concerning Elections in the 2021 Prolegnas. To find out the legal politics analysis of the consequences of the cancellation of the revision of Law no. 7 of 2017 concerning Elections in the 2021 Prolegnas.

This research departs from the idea of the concept of democracy which implies the implementation of elections as a means of realizing people's sovereignty so that there is a need for modernization of regulations, based on legislation theory, legal political theory, electoral system theory, and democratic theory.

This thesis research is qualitative, while the method used is descriptive analysis research with a normative juridical approach, the data used are primary data, secondary data, and tertiary data, as well as data collection techniques using library research and documentation.

Based on the results of the research, the first is the dynamics of the development of the revision of the Election Law in Indonesia, namely the tug of war between the government and political party factions in the DPR RI regarding the implementation of the General Election, the implementation of the Election system, Parliamentary Threshold, Presidential Threshold, Dapil allocation, vote conversion and election design. Second, the views of the Political Party Faction in the DPR RI, the majority of the factions refuse to continue with the revision of the Election Law on the grounds that they do not want the normalization of the implementation of the 2022/2023 Pilkada, and are of the view that regulations are still relevant to be used in future elections and because the country is carrying out economic recovery due to the Covid 19 Pandemic. Third, legal political analysis of the consequences of the cancellation of the revision of Law No. 7 of 2017 concerning Elections, namely that the implementation of the 2024 Election will continue to use the same regulations, indications of the repetition of the complexity of the Election administration which has led to the death of organizers, the occurrence of intersections of Election stages with Pilkada stages, accumulation of election dispute resolution in MK, Appointment of PJS Regional Heads at the Provincial and Regency/City levels, stagnation of election law enforcement, and the closed space for digitalization of elections.

Keywords: Legal Politics, Legislation, Election System, Democracy