

ABSTRAK

Penerapan *impeachment* di Indonesia berbeda dengan penerapannya di negara-negara lain adalah dengan hadirnya *impeachment* Kepala Daerah. Sebagai wujud implementasi dari konsep otonomi daerah maka muncul pula lembaga eksekutif dan legislatif di daerah. Bersamaan dengan kewenangan yang diperoleh lembaga di daerah ini maka muncul pula pemikiran untuk melakukan mekanisme pengawasan terhadap lembaga eksekutif di daerah serupa dengan pengawasan lembaga eksekutif pada pemerintah pusat. Adanya ketentuan ini tentu memancing perdebatan dan perbedaan penafsiran atas setidaknya 3 masalah pokok yaitu pertama tentang tafsir keabsahan wewenang *impeachment* legislatif di daerah, kedua tentang hubungan kerja antar lembaga legislatif dan eksekutif di daerah, dan ketiga mengenai tanggung jawab jabatan Kepala Daerah serta akibat hukumnya. Permasalahan ini memancing perdebatan dan perbedaan penafsiran secara akademis. Oleh sebab itu, banyak yang bisa digali dan diteliti mengenai penafsiran ketentuan hingga proses teknis dari mekanisme *impeachment* yang juga sebagai salah satu wujud implementasi ketatanegaraan di Indonesia. *Legal reform* terhadap mekanisme *impeachment* diperlukan sebagai upaya memangkas kekacauan hukum (*rechtsverwarring*). Diharapkan dengan pembenahan tersebut dapat mewujudkan Nusantara *good governance* untuk membawa negeri ini kearah yang lebih baik.

Kata Kunci: *Impeachment*, Lembaga Negara, Pemakzulan, Pemerintahan Daerah.



ABSTRACT

The application of impeachment in Indonesia is different from the application of impeachment in another states since there is a system of impeachment of the head of district. As a form of the implementation of district autonomy system there is an existence of executive and legislative branches in the regions. And in line with the authority received by the regional's institutions there is also an initiative to do a surveillance mechanism for the executive and legislative branches in the regions which reflect the surveillance mechanism for the executive branch in the central government. The existence of this regulation stimulates debates and differentiation of interpretation on at least 3 main problems which are first regarding the interpretation of validity of district's legislative impeachment authority, Second regarding the working relation between Legislative institution and Legislative institution in districts, and third regarding the responsibility of the incumbency of the head of district and its legal consequences. This problem stimulates debates and differentiation of academics interpretation. Therefore, there are much that can be observed regarding the differentiation of stipulations to the extend of the technical process from the impeachment mechanism as a form of an enforcement to trim down chaos of law (*rechtsverwarring*). Legal reform is a form of enforcement to revitalize the structure of constitutional system in Indonesia. Hopefully, with that revitalization Hopefully the Nusantara good governance can be achieved and can bring our nation to a better future.

Key Word: Impeachment, Governmental Institution, Pemakzulan, Local Government.

